



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S. (MD).No. 109 of 2012 and
M.P(MD).No.1 of 2013

The Revenue Divisional Officer,
Madurai.

: Appellant / Referring Officer

Vs.

1. M.S.A.Ibrahim (died)
2. The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Madurai.
- 3.Nasurnnisha
- 4.Meer Bakruthin Munshi
- 5.Kairunnisha
- 6.Bajbee
- 7.Sarabai
- 8.Kamarunnisha
- 9.Meer Ahammed Ibrahim
- 10.Rafia Basree
11. Saiyed Luckmaan Hakkeem

: Respondents

(respondents 3 to 11 are brought on record as
LRs of the deceased 1st respondent vide order dated 10.11.2010 and
made in MP(MD).Nos. 4 to 6 of 2010 in AS.SR(MD).No. 10035/2010)

Prayer: Appeal Suit filed under Section 54 of the Land
Acquisition Act, 1894 to set aside the Judgment and Decree passed
in LAOP.No.33/1997, dated 29.06.2001 on the file of the III
Additional Subordinate Court, Madurai.

For appellant : Mr.J. Gunaseelan Muthiah
Additional Government Pleader

For Respondent No.2 : Mr.R.Janarthanan
Standing counsel for TNHB

For respondents 4 to 11: Mr. V. Nagendran

RR1 to 3 : Dismissed



JUDGMENT

This Appeal Suit is filed against the Judgment and Decree, dated 29.06.2001 passed in L.A.O.P.No.33 of 1997, on the file of the III Additional Subordinate Court, Madurai.

2. According to the learned Additional Government Pleader appearing for the appellant, 4(1) Notification was issued on 19.10.1988, for acquiring 2.67.0 Hectares of lands of respondent situated in S.No.37/2 at Thoppur Village. The Land Acquisition Officer fixed the market value at Rs.250/- per Cent. Aggrieved over the same, the respondents / claimants have raised objection and hence, the matter was referred under Section 18 of the Land Acquisition Act, to the Additional Sub Court, Madurai.

3. Before the Tribunal, the first respondent / claimant himself examined as CW.1 and the award passed by the Land Acquisition Officer, dated 21.08.2000 is marked as Ex.C1.

4. Considering the nature of land and potentiality of the same acquisition, the Tribunal in L.A.O.P.No.110 of 1998, fixed the award of compensation at the rate of Rs.2,500/- per Cent. Following the same, the Tribunal has awarded the same amount of Rs.2,500/- per Cent in the case on hand. Against the said award, the appellant / Referring Officer filed an appeal on the ground that the enhancement is exorbitant and without basis.

5. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the appellant produced a Division Bench Judgment of this Court, dated 18.09.2003 made in A.S.Nos.13 and 17 of 2000, referring the Award passed in LAOP.Nos. 24 and 19 of 1996, dated 15.07.1998, wherein, in respect of the acquisition in the very same village, in the year 1991, the market value was determined at Rs.2,000/- per Cent. In the facts and circumstances of the case, notification to the land acquisition was issued much prior to 1988.

6. The Hon'ble Division Bench of this Court has considered the relevant documents of the year 1989 and the various factor, the situation of Madurai Municipal Corporation, Textile Mills, Colleges, Hospital, Warehousing Corporation, Flour Mills etc., had justified the enhancement from Rs.400/- to Rs.2000/- per Cent. Since the present acquisition is also in the very same area and the lands are in same nature, the order passed by the Hon'ble Division Bench will cover the issue of case on hand.

7. Considering the Judgment passed by this Court, I am inclined to modify the award passed by the Tribunal by reducing the compensation from Rs.2,500/- to Rs.2,000/- per Cent. The award in respect of all other aspects is confirmed.



8. In the result, the Appeal Suit is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

9. The learned Standing counsel appearing for the second respondent submitted that they have deposited the entire amount awarded by the Tribunal. The respondents / claimants are entitled to withdraw the modified award amount along with accrued interest. The balance amount shall be withdrawn by the second respondent.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The III Additional Subordinate Judge,
Madurai.

2.The Section Officer-2 copies
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Janarthanan , Advocate SR.No.26924

+1 cc to Mr.V.Nagendran , Advocate SR.No.27165

+1 cc to The Special Government Pleader Sr.No.26817

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