



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM

AND

The Hon`ble Mrs.Justice R.THARANI

CMA(MD). No.228 of 2019

The Project Director,
National Highways No.45-E & 220
National Highways Authority of India,
Now at:
Plot No.1, Aishwaryam Heights,
Indira Nagar, Sennamanaickenpatti (PO),
Thadikombu Road, Dindigul - 624 004.

... Appellant

Vs

1 K.Gurusamy,

... 1st Respondent

2 The Special District Revenue
Competent Authority for Land Acquisition,
(National Highways- 45-E & 220),
Collectorate Buildings, Theni.

... 2nd Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 37(1) & (2) of Arbitration and Conciliation Act 1996, against the order and executable order dated 18.12.2015 made in Arbitration O.P.No.67 of 2015 on the file of the Principal District and Sessions Judge, Theni.

DECREE:- This Civil Miscellaneous Appeal come up for final hearing on this date, upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.SU.Srinivasan, Standing Counsel for National Highways Authority of India, for the Appellant and of



Mr.R.Govindaraj, Advocate for the 1st respondent and of Mr.A.K.Baskarapandian, Special Government Pleader for the 2nd respondent, this Court while dismissing the appeal, doth order and decree as follows:-

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(1) That the order and executable order dated 18.12.2015 made in Arbitration O.P.No.67 of 2015 on the file of the Principal District and Sessions Court, Theni, be and hereby is confirmed;

(2) That in addition the Land Loser/Petitioner/1st respondent herein is entitled to get back the amount deducted towards development charges;

(3) That the Land Loser/Petitioner is further entitled for compensation for trees and standing crops which shall be determined by the Competent Authority for Land Acquisition/2nd respondent herein within a period of eight weeks from the date of receipt of a copy of this Judgment;

(4) That the Land Loser/petitioner be and hereby is also entitled to solatium and interest as per the Judgment of the Honourable Supreme Court in Union of India and Others -vs- Tarsem Singh and another, in C.A.No.7064 of 2019 dated 19.09.2019, if not already calculated and added to the compensation determined; and

(5) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Principal District and Sessions Judge, Theni.

2. The Special District Revenue
Competent Authority for Land Acquisition,
(National Highways- 45-E & 220),
Collectorate Buildings, Theni.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 cc to M/S.SU.Srinivasan, Advocate (SR-6042 dated 13/02/2020)

+1 CC to Mr.R.Govindaraj, Advocate (SR-6023 dated 13/02/2020)

ORDER DATED : 13/02/2020

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DECREE
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CMA(MD). No.228 of 2019

Nature of Decree:- Dismissing
the Civil Miscellaneous Appeal
preferred against the order and
decree dated 18.12.2015 made in
Ar.O.P.No.67 of 2015 on the file
of the Principal District and
Sessions Court, Theni.

SDS (27.08.2020) 3P 8C