



A.S.(MD). Nos.177 of 2016, 38, 135, 136 and 137 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: **30.11.2020**

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

A.S. (MD) . Nos.177 of 2016, 38, 135, 136 and 137 of 2017

and

C.M.P. (MD) Nos.11291 of 2016 and 2418 of 2017

WEB COPY

A.S. (MD) .No.177 of 2016:

The Deputy Chief Engineer,
Constructions,
Southern Railway,
Salem.

: Appellant/Beneficiary
vs.

Soliammal (died)
1.Kuppusamy
2.Murugesan
3.The Special Tahsildar (LA),
Salem Karur New Broadguage,
Railway Line Scheme,
Karur.

:1st Respondent/Claimants

:3rd Respondents/referring Officer

PRAYER :-

Appeal filed under Section 54 of the Land Acquisition Act, 1894, praying to set aside the judgment and decree passed in L.A.O.P.No.89 of 2002, dated 20.03.2012 on the file of the learned Principal Subordinate Judge, Karur and pass such further or other orders as this Court may deem fit and proper and the circumstances of the case.

For Appellant : Mr.S.Manohar
For Respondents 1&2 : Mr.K.Prabhakar
For Respondent No.3 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

A.S. (MD) .No.38 of 2017:

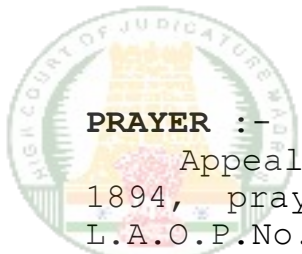
The Deputy Chief Engineer,
Constructions,
Southern Railway,
Salem.

: Appellant/Beneficiary
vs.

1.K.Ramasamy Gounder (died)
2.Kaliammal
3.Palanisamy
4.Saraswathi
5.The Special Tahsildar (LA),
Salem Karur New Broadguage,
Railway Line Scheme,
Karur.

:1 to 4 Respondent/Claimants

:5th Respondents/Referring officer



PRAYER :-

Appeal filed under Section 54 of the Land Acquisition Act, 1894, praying to set aside the judgment and decree passed in L.A.O.P.No.80 of 2011, dated 27.02.2012 on the file of the learned Additional Subordinate Judge, Karur and pass such further or other orders as this Court may deem fit and proper and the circumstances of the case.

For Appellant : Mr.S.Manohar
For Respondents 2&4 : No Appearance
For Respondent No.3 : Mr.K.Prabhakar
For Respondent No.5 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

A.S. (MD) .No.135 of 2017:

The Deputy Chief Engineer,
Constructions,
Southern Railway,
Salem.

: Appellant/Beneficiary
vs.

1.Perumal :1st Respondent/Beneficiary
2.The Special Tahsildar (LA),
Salem Karur New Broadguage,
Railway Line Scheme,
Karur. :2nd Respondents/Referring officer

PRAYER :-

Appeal is filed under Section 54 of the Land Acquisition Act, 1894, praying to set aside the judgment and decree passed in L.A.O.P.No.86 of 2002, dated 29.02.2012 on the file of the learned Principal Subordinate Judge, Karur and pass such further or other orders as this Court may deem fit and proper and the circumstances of the case.

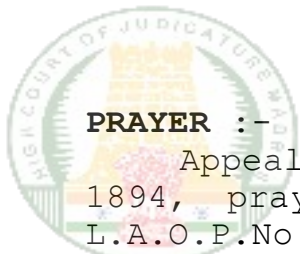
For Appellant : Mr.S.Manohar
For Respondent No.2 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleade
R1 : No Appearance

A.S. (MD) .No.136 of 2017:

The Deputy Chief Engineer,
Constructions,
Southern Railway,
Salem.

: Appellant/Beneficiary
vs.

Selampanan (died)
1.Kuppayeeammal
2.Kandasamy
3.Chinnammal :1 to 3 Respondent/Claimants
4.The Special Tahsildar (LA),
Salem Karur New Broadguage,
Railway Line Scheme,
Karur. :4th Respondents/Referring officer



PRAYER :-

Appeal filed under Section 54 of the Land Acquisition Act, 1894, praying to set aside the judgment and decree passed in L.A.O.P.No.91 of 2002, dated 28.06.2011 on the file of the learned Additional Subordinate Judge, Karur and pass such further or other orders as this Court may deem fit and proper and the circumstances of the case.

For Appellant : Mr.S.Manohar
 For Respondent No.4 : Mr.J.Gunaseelan Muthiah,
 Additional Government Pleader
 R1 to R3 : No Appearance

A.S. (MD) .No.137 of 2017:

The Deputy Chief Engineer,
 Constructions,
 Southern Railway,
 Salem.

: Appellant/Beneficiary
 vs.

1.Murugesan
 2.The Special Tahsildar (LA),
 Salem Karur New Broadguage,
 Railway Line Scheme,
 Karur.

:1st Respondent/Claimants

 :2nd Respondents/Referring officer

PRAYER :-

Appeal is filed under Section 54 of the Land Acquisition Act, 1894, praying to set aside the judgment and decree passed in L.A.O.P.No.101 of 2011, dated 19.12.2011 on the file of the learned Additional Subordinate Judge, Karur and pass such further or other orders as this Court may deem fit and proper and the circumstances of the case.

For Appellant : Mr.S.Manohar
 For Respondent No.2 : Mr.J.Gunaseelan Muthiah,
 Additional Government Pleader
 R1 : No Appearance

COMMON JUDGMENT

Aggrieved over the award passed by the Land Acquisition Tribunal in L.A.O.P.No.89 of 2002, dated 20.03.2012, L.A.O.P.No.80 of 2011, dated 27.02.2012, L.A.O.P.No.86 of 2002, dated 29.02.2012, L.A.O.P.No.91 of 2002, dated 28.06.2011 and L.A.O.P.No.101 of 2011, dated 19.12.2011, respectively, the appellant has preferred the above appeals.

2. The Special Tahsildar (Land Acquisition), Salem Karur New Broad Gauge, Railway Line Scheme, Karur, had issued a notification under Section 4(1) of the Land Acquisition Act, 1894, for the purpose of forming a new Broad Gauge Railway line from Salem - Karur. There are several claims and the Land Acquisition Officer



fixed the market value on different footings. Aggrieved over the same, the claimants in the above appeals and others have raised objections, which was referred to the learned Principal Subordinate Judge, Karur/Additional Subordinate Judge, Karur, under Section 18 of the Land Acquisition Act, 1894. The Land Acquisition Tribunal, upon considering the relevant documents, enhanced the compensation and fixed the market value at different rates. Aggrieved over the same, the appellant is before this Court with the present appeals.

3. When the appeals were taken up for hearing, the learned counsel appearing for the appellant would draw the attention of this Court to the common judgment of this Court in A.S.(MD)Nos.116 to 121 of 2015, dated 01.06.2017. Those appeals were dismissed in respect of the very same acquisition against other claimants. The present appeals are also arising out of the similar land acquisition proceedings for the purpose of very same project. Therefore, in order to maintain uniformity, the same yardstick can be adopted to the cases at hand also. Furthermore, once the Award reached finality, by virtue of the said judgment, nothing survives for adjudicating the present appeals. The judgment passed in A.S.(MD) Nos.116 to 121 of 2015, which has reached finality, will bind the appellant to follow the same ratio. Accordingly, the present appeals are dismissed, in view of the judgment dated 01.06.2017, passed in A.S.(MD)Nos.116 to 121 of 2015. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (csII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Principal Subordinate Judge,
Karur.

2.The Additional Subordinate Judge,
Karur.

3.The Special Tahsildar (LA),
Salem Karur New Broadguage,
Railway Line Scheme,
Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Section Officer, (2C)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Manohar Advocate, SR.No.23413 dated 01.12.2020

+1CC to M/s.SP1 GP, SR.No.23491 to 23493 dated 01.12.2020

A.S. (MD) . Nos.177 of 2016, 38, 135,
136 and 137 of 2017
30.11.2020

KMV (CO)

KB (12.02.2021) 5P 8C