



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.12.2020

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

A.S. (MD) .No.128 of 2017

and

C.M.P. (MD)No.7234 of 2017

WEB COPY

The Special Tahsildar (LA),
South Neighbourhood Scheme,
Unit - 1, Madurai.

: Appellant

vs.

1. Ponnuthai

2. The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Madurai.

: Respondents

PRAYER :-

Appeal Suit filed under Section 54 of the Land Acquisition Act against the judgement and decree of the III Additional Subordinate Judge of Madurai in L.A.O.P.No.174 of 1999, dated 28.09.2001.

For Appellant	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader
For Respondents	: Mr.R.Janarthanan for R2
For R1	: Dismissed vide Court order dated:09.08.2019

JUDGMENT

The present Appeal Suit has been filed against the judgment and decree of III Additional Sub Court, Madurai in L.A.O.P.No.174 of 1999, dated 28.09.2001.

2. Heard the submissions made on either side and perused the materials available on record.

3. The land was acquired for extension of township, in Thoppur village, Madurai South. The Land Acquisition Officer issued 4(1) notification on 09.04.1992 and awarded compensation at the rate of Rs.250/- per cent. Not satisfied with the award of compensation, the first respondent raised objection and the matter was referred under Section 18 of the Land Acquisition Act before the III



Additional Sub Court, Madurai. The Tribunal had considered Ex.C.1 and fixed the market value of the land at the rate of Rs.2,500/- per cent and awarded compensation. Aggrieved over the same, the appellant prepared the present Appeal Suit.

4. Even though the Tribunal passed award on 28.09.2001, the appeal suit came to be filed with huge delay. It is also pertinent to note that challenging the award with regard to the same acquisition, several appeal suits came to be filed by other claimants in A.S.Nos.209 of 2003 and batch, wherein, this Court has fixed the market value of the land at the rate of Rs.2,500/- per cent. Considering the same, the delay was condoned. However, it is reported that the first respondent/claimant herself died and the appeal was dismissed against her on 09.08.2019 by this Court.

5. Considering the facts and circumstances that in the connected appeals, this Court has fixed at Rs.2,500/- per cent as the market value of the land and awarded compensation as per the provisions of the Act, I do not find anything survive for deciding the matter on merits. Since the market value of the land as fixed by the Tribunal, has been confirmed by this Court in A.S.Nos.209 of 2003 and batch, which order will be binding on the appellant. Hence, the Appeal Suit stands dismissed. The legal heirs of the first respondent are entitled to the compensation as awarded by the Tribunal along with solatium and appropriate interests. The learned counsel appearing for the second respondent would submit that they have already deposited the award of compensation before this Court. In such event, the legal heirs of the first respondent are entitled to withdraw the compensation amount subject to production of legal heirship Certificate. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias

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

The III Additional Subordinate Judge,
Madurai.

Copy to: The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2)

+1 CC to Mr.R.JANARTHANAN, Advocate SR-23461.

+1 CC to the SPL GP SR-23629.

**Judgment made in
A.S. (MD) .No.128 of 2017**

**Dated:
01.12.2020**

KMV (CO)
CS (15.12.2020) 3P 6C