

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MS JUSTICE R.N. MANJULA

C.M.P.Nos.7857 to 7865 of 2021

in A.S.Nos.137 to 145 of 2021

THE SPECIAL TAHSILDAR [PETITIONER IN ALL THE PETITIONS]
(LAND ACQUISITION OFFICER),
KANCHEEPURAM UNIT
CHENNAI UNIT (CHENNAI METRO RAIL LTD)
CHENNAI METRO RAIL LTD
DEPOT ADMIN BUILDINGS,
POONAMALLEE HIGH ROAD,
OPP TO DANIEL THOMAS SCHOOL
CHENNAI-600107.

Vs

1 K.PONNAMMAL [RESPONDENTS IN ALL THE PETITIONS]

2 V.RAJESWARI

3 P.VASANTHA

4 KUMAR K.VISHWANATHAN @ K.V.KUMAR

5 K.SIVASUBRAMANIAM

6 M.JAYASHREE

7 DR.RAVI K.VISWANATHAN

8 THE CHENNAI METRO RAIL LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR
HARINI TOWERS, 2ND FLOOR, L.A.DIVISION,
NO.7 CONRON SMITH ROAD, GOPALAPURAM,
CHENNAI 600086.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the execution of the decree dated 21.12.2020 made in LAOP No.56 of 2015 on the file of the Subordinate Judge at Poonamallee

(in C.M.P.No.7857 of 2021) pending disposal of the above appeal (in A.S.No.140 of 2021) and

(ii) To stay the execution of the decree dated 21.12.2020 made in LAOP.No.52 of 2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7858 of 2021) pending disposal of the above (in A.S.No.139 of 2021) and

(iii) To stay the execution of the decree dated 21/12/2020 made in LAOP No.55/2015 on the file of the Sub Judge at Poonamallee (in C.M.P.No.7859 of 2021) pending disposal of the above (in A.S.No.141 of 2021) and

(iv) To stay the execution of the decree dated 21.12.2020 made in LAOP No.53/2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7860 of 2021) pending disposal of the above (in A.S.No.138 of 2021) and

(v) To stay the execution of the decree dated 21.12.2020 made in LAOP No.50 of 2015 on the on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7861 of 2021) pending disposal of the above (in A.S.No.137 of 2021) and

(vi) To stay the execution of the decree dated 21-12-2020 made in LAOP NO.49 of 2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7862 of 2021) pending disposal of the above (in A.S.No.143 of 2021) and

(vii) To stay the execution of the decree dated 21.12.2020 made in LAOP.No.57 of 2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7863 of 2021) pending disposal of the above (in A.S.No.142 of 2021) and

(viii) To Stay the execution of the Decree dated 21.12.2020 made in LAOP.No.54 of 2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7864 of 2021) pending disposal of the above (in A.S.No.144 of 2021) and

(ix) To stay the execution of the decree dated 21/12/2020 made in LAOP No. 51/2015 on the file of the Subordinate Judge at Poonamallee (in C.M.P.No.7865 of 2021) pending disposal of the above (in A.S.No.145 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.SHANMUGHA SUNDARAM, AG ASST. BY MR.D.RAVICHANDER, Additional Government Pleader, for the petitioner in all the petitions, and of MR.R.THIAAGARAJAN, Advocate for the 1 to 7 Respondents and of MR.P.WILSON, Sr.c for M/S.WILSON ASSO., for the 8th Respondent in CMP.7858, 7861 to 7863, 7865 & 7859/2021 and of M/S.JAYESH B.DOLIA FOR 8th Respondent in CMP.7860, 7857 & 7864/2021 the court made the following order:-

[Order of the Court was made by M.M.SUNDRESH, J.]

Heard the learned counsel appearing for the parties.

2. Challenging the award passed by the Reference Court, enhancing the valuation from Rs.400/- to Rs.3,360/- per sq. ft, these appeals have been filed.

3. We have been informed that not satisfied with the compensation fixed, seeking enhancement, the appeals have been filed by the claimants.

4. Learned Advocate General appearing for the appellant/petitioner and the learned Senior Counsel appearing for the requisitioning body submitted that the conditional order passed by this Court by directing the appellant/petitioner and the requisitioning body to deposit one-third of the enhanced amount has been complied with. Considering the issues raised, the appeal themselves would be taken up for hearing while continuing the interim orders passed. It is submitted that the data sale deed relied upon by the appellant/petitioner have not been taken into consideration and the documents relied upon by the Reference Court pertaining to the sale deeds effected are with respect to the properties which are more valuable whereas the lands acquired are situated in a landlocked area. The Reference Court has not considered the aforesaid aspects.

5. Mr.R.Thiyagarajan, learned counsel appearing for respondents 1 to 7 submitted that the evidence of C.W.2 has been taken into consideration by the Reference Court and though the market value is higher, which can be taken judicial notice by this Court, the Reference court has only fixed the reasonable amount of Rs.3,360/- per sq. ft. and that is the reason why, the enhanced compensation has been sought for. The learned counsel further submitted that the withdrawal of Rs.17 crores would be insufficient and, therefore, appropriate orders will have to be passed.

6. The issues raised are to be decided only in the appeals. The previous Bench has directed the appellant to deposit only one-third of the enhanced amount which has been complied with. Equities will have to be seen at this stage. Both the parties have filed the appeals. In such view of the matter, we are inclined to grant stay of the award passed by the Reference Court pending disposal of the appeals and the claimants will be permitted to withdraw 50% of the amount deposited by the appellant which constitutes one-third of the enhanced amount, on a proportionate basis by furnishing immovable property security to the satisfaction of the Court below. These miscellaneous petitions are disposed of accordingly.

List the appeals for final hearing on 26.08.2021.

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15/07/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE SUBORDINATE JUDGE
POONAMALLEE

C.C. to MR.R.THIAGARAJAN Advocate SR.NOS.3948 TO 3956/2021

Order
in

C.M.P.Nos.7857 to 7865 of 2021
in A.S.Nos.137 to 145 of 2021

Date :15/07/2021

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RRI 22/07/2021