

**C.M.P.Nos.7858, 7861 to 7863, 7865, 7859, 7860,
7857 and 7864 of 2021 in A.S.Nos.145, 137, 138, 140, 141, 142,
144, 139 and 143 of 2021**

**M.M.SUNDRESH, J.,
and
R.N.MANJULA, J.,**

[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.

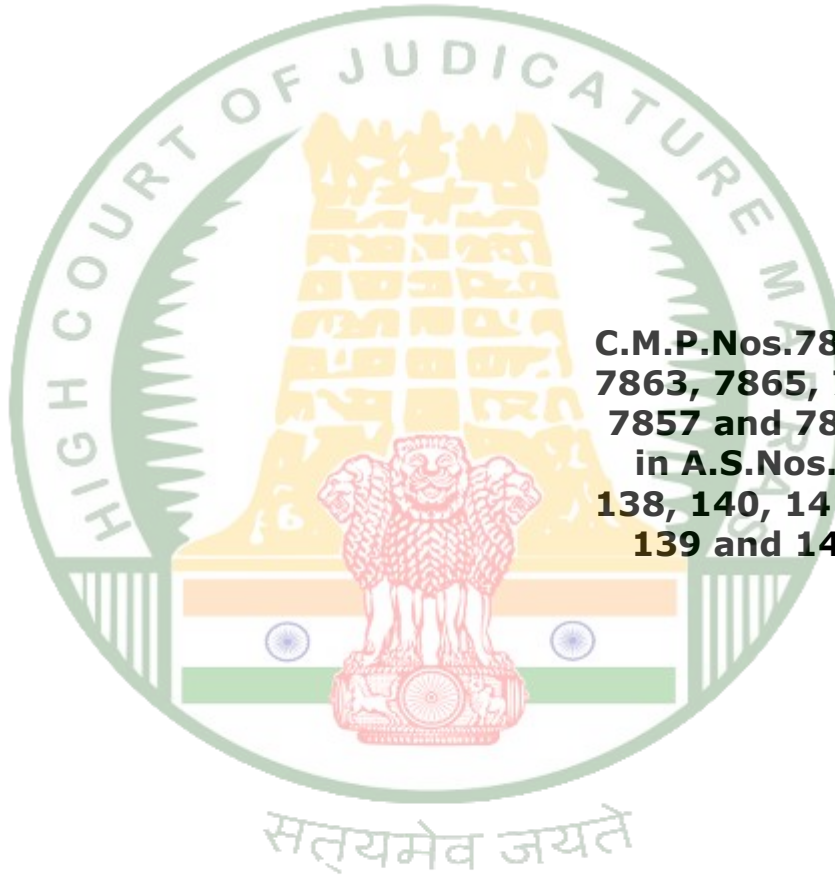
List the appeals for final hearing on 26.08.2021.

(M.M.S., J.) (R.N.M., J.)
15.07.2021

mmi/ssm

**M.M.SUNDRESH, J.,
and
R.N.MANJULA, J.,**

mmi



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