



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.198 of 2006

and M.P.No.2 of 2006

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The Defence Estates Officer
Madras Circle, 306 Anna Salai
Teynampet, Chennai - 18.

... Beneficiary/Appellant

Vs.

1.Manickam
2.The Special Tahsildar (LA)
Unit III, Air Force Station
Thanjavur.

... Claimant/Respondents

... Referring Officer/Respondent

PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act against the judgment and decree of the learned Additional Subordinate Judge and Fast Track Court No.1 Thanjavur in LAOP No.404 of 1997 dated 25.04.1005.

For Appellant : Mr.K.R.Laxman

For Respondents : Mr.S.Ramesh for
Mr.V.Raghavachari for R1
Mr.J.Gunaseelan Muthiah,
Additional Government Pleader for R2

JUDGMENT

This Appeal Suit has been filed challenging the enhancement of the compensation passed by the Land Acquisition Tribunal in L.A.O.P.No.404 of 1997 on the file of the Additional Subordinate Judge and Fast Track Court No.1 Thanjavur

2. The brief facts, leading to file the Appeal Suit, is as follows:

An extent of 0.48.0 ares in Survey Nos.249/8, 249/11 and 249/12 were acquired for the purpose of setting up an Airport Station at Thanjavur. The Land Acquisition Officer has fixed the compensation at the rate of Rs.264.64/- per ares. As against the same, the claimant has filed L.A.O.P.No.404 of 1997 before the learned Additional Subordinate Judge and Fast Track Court No.1 Thanjavur.



3. Before the Land Acquisition Tribunal, on the side of the claimant, he himself was examined as C.W.1 and Ex.C1 to Ex.C.16 were marked. On the side of the respondents, one witness was examined as R.W.1 and EX.R1 and Ex.R2 were marked.

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4. After analyzing the entire materials placed on record, the Land Acquisition Tribunal has fixed the compensation at the rate of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only) per acre with 12% interest, 30% of solatium and interest at the rate of 9% per annum for the first one year period from the date of taking over possession and thereafter at 12% per annum till the date of deposit of the compensation by the State. Challenging the same, the present Appeal suit came to be filed by the second respondent in the Land Acquisition Tribunal.

5. Challenging the very same award viz., L.A.O.P.No.404 of 1997, the State through the Special Tahsildar, who is the first respondent before the Land Acquisition Tribunal, had already filed an Appeal Suit in A.S.No.26 of 2008 and this Court by a common judgment, dated 08.01.2008, has disposed of many Appeal Suits including the Appeal Suit filed challenging the compensation arrived by the Land Acquisition Tribunal in LAOP No.404 of 1997, which is the subject matter of the present Appeal Suit.

6. As the challenge is already made and compensation has already been modified by this Court, as early as on 08.01.2008 by a judgment and decree, challenging the order of the Land Acquisition Tribunal once again does not arise at all. Since a challenge was already made and decided by this Court in a batch of Appeal Suits viz., A.S.(MD)Nos.10 to 14, 21 to 24 and 26 of 2008, nothing survives in this Appeal Suit to decide further.

7. Accordingly, in view of the earlier judgment of this court and the issue raised in this Appeal Suit has already reached its finality, this Appeal Suit is disposed of as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm



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 Additional Subordinate Judge,
Fast Track Court No.1 Thanjavur.

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-5017[F] dated 15/02/2021)
+1 CC to M/s.GP (SR-5087[F] dated 15/02/2021)

A.S. (MD) No.198 of 2006
12.02.2021

NS (CO)
TR(26.02.2021) 3P 6C