



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S. (MD)No.6 of 2019

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

: Appellant / Beneficiary

Vs.

Pavalayee (Died)

1.Marimuthu

2.Balammal

3.Ganesan

4.Kanthamani

5.Selvaraj

: Respondent Nos.1 to 5/Claimants

6.The Special Tahsildar (LA),

Salem Karur New Broad Gauge,

Railway Line Scheme, Karur.

: Respondent No.6/
Referring Officer

PRAYER: Appeal is filed under Section 54 of Land Acquisition Act, praying to set aside the judgment and decree passed in L.A.O.P.NO.103 of 2011 dated 29.03.2012 on the file of the learned Additional Subordinate Judge, Karur.

For Appellant

: Mr.S.Manohar

For R-1

: Died

For R-2 to R-5

: Mr.K.Prabhakar

For R-6

: Mr.J.Gunaseelan Muthiah
Additional Government Pleader

J U D G M E N T

This Appeal has been filed as against the order of the Land Acquisition Tribunal fixing the compensation at the rate of Rs.35/- per Square Feet.

2. The main contention of the appellant is that the enhancement is not based on the proper appreciation of evidence and the Land Acquisition Tribunal has failed to consider the



proceedings. Aggrieved over the same, the Appellant / Beneficiary has filed this Appeal.

3. Heard the learned counsel on either side.

4. It is the contention of the learned counsel for the appellant that already several appeals have been filed before this Court in A.S.(MD).Nos.116 to 121 of 2015 regarding the similarly acquired lands which was used for the very same purpose. This Court by its judgment dated 01.06.2017 confirmed the compensation at the rate of Rs.35/- per Square Foot and the matter has now reached its finality. Hence, it is submitted that since this Court has already disposed of similar cases, the said judgment will be applicable to the present case also.

5. The learned counsel appearing for the respondents 2 to 5 and the learned Additional Government Pleader are not disputing the same. It is not in dispute that the subject matter of this appeal is also arisen out of the same acquisition proceedings for the purpose of Salem Karur New Broad Gauge.

6. The Land Acquisition Tribunal has enhanced the compensation at the rate of Rs.35/- per Square Feet. This Appeal has been filed by the beneficiary. It is not disputed by both sides that the amount has already been disbursed and the landlords have also received the same, whereas, the beneficiary accepted the award of the Reference Court and now the Court could not re-open the case regarding the correctness of the enhancement made by the Land Acquisition Tribunal.

7. At this juncture, this Court has pointed out a judgment reported in **AIR 1991 SC 1320 (Krishi Upaj Mandi Samiti Vs. Ashok Singhal and Others)**

8. In such view of the matter, this Court, taking note of the evidence adduced before the Tribunal in the earlier cases, held that the compensation fixed at Rs.35/- per square feet is a reasonable one and the Tribunal has arrived at such conclusion in uniformity.

9. Having regard to the fact that the matter has already reached its finality as per the judgment of this Court in A.S.(MD).Nos.116 to 121 of 2015, dated 01.06.2017 and the said judgment is binding on the appellant also. Hence, this Court is of the view that there is no further point that arose for consideration in this appeal. Accordingly, the Appeal lacks merit.



10. In the result, the Appeal Suit stands dismissed and the judgment and decree passed in L.A.O.P.NO.103 of 2011, dated 29.03.2012 on the file of the learned Additional Subordinate Judge, Karur, stands confirmed. No costs.

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Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)

tsg

To

1.The Additional Subordinate Judge,
Karur.

2.The Record Keeper-2 copies
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SGP (SR-4237[F] dated 10/02/2021)

Judgment made in
A.S. (MD)No.6 of 2019

**Dated :
09.02.2021**

KM (03.03.2021) 3P 5C