



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date :07.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

A.S (MD) .No.195 of 2015

1.T.P.L.S.Mohamed Ibrahim (Died)

2.S.Kather Maitheen Sate

(A2 is brought on record as legal heir of
the deceased A1 vide Court order
dated 19.02.2021 made in CMP(MD)No.86/21)

..Appellant/2nd Claimant

Vs.

1.The Special Tahsildar

Office of Land Acquisition
Karur-Dindigul Broad Gauge
Unit-2, Dindigul.

..1st Respondent/Petitioner

2.P.Nalluswami

..2nd Respondent/1st Claimant

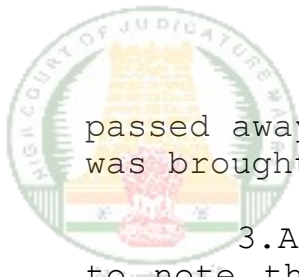
PRAYER: Appeal Suit filed under Section 54 & 30 of Land Acquisition Act r/w 96 of Civil Procedure Code, to set aside the Award in L.A.O.P.No.4 of 1988, dated 22.06.2015 on the file of the Principal Subordinate Court, Dindigul and allow the appeal.

For Appellant	: Mr.M.V.Venkataseshan
For R1	: Mr.J.Gunaseelan Muthiah
	Additional Government Pleader
For R2	: Mr.G.Gomathi Sankar

J U D G M E N T

Heard the learned counsel on either side.

2.This appeal has been filed under Section 54 of the Land Acquisition Act, 1894. The land measuring 53 cents in Survey No.624/2 in Vedasandur Village was acquired for expansion of railway lines and compensation amount was also deposited. But there arose dispute regarding apportionment of the compensation. Hence, reference was made to the Principal Sub Court, Dindigul. The reference was taken up for determination in L.A.O.P.No.4 of 1988. The original appellant namely T.P.L.S.Mohamed Ibrahim examined himself as witness. The rival claimant Nalluswami also examined himself as witness. During the course of deposition, Mohamed Ibrahim fairly stated that out of 53 cents, he is entitled to compensation only in respect of 18 cents and he admits that Nalluswami and the other claimant is entitled to compensation for the remaining 35 cents. The impugned award dated 22.06.2015 came to be passed by the reference Court based on the aforesaid admission of Mohamed Ibrahim. During the pendency of the appeal, Mohamed Ibrahim



passed away and his legal representative namely Kathir Maitheen Sate was brought on record.

3.After hearing the learned counsel on either side, I am able to note that the impugned award is based only on the admission of the original appellant and therefore, no interference is called for. The impugned award is confirmed and the appeal suit is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Principal Subordinate Court, Dindigul.

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

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-15405[F] dated 07/04/2021)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-15414[F] dated 07/04/2021)

+1 CC to M/s.SPL GP (SR-15499[F] dated 08/04/2021)

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KB(29.04.2021) 2P 7C