



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date :07.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

A.S (MD) .No.196 of 2015

Mahaboolisha Begam

..Appellant/4th Claimant

Vs.

1.The Special Tahsildar
Office of Land Acquisition
Karur-Dindigul Broad Gauge
Unit-2, Dindigul.

..1st Respondent/Petitioner

2.P.Nalluswami

3.The Executive Engineer
Construction,
South Railway,
Madurai-10.

..2nd & 3rd Respondents/Claimant2 & 3

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.6 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
For R3	: Mr.A.Haja Mohideen

J U D G M E N T

Heard the learned counsel on either side.

2.This appeal is directed against the impugned award passed under Section 30 of the Land Acquisition Act. The lands in Survey No.622/1, were acquired for expansion of railway lines. Compensation was also determined during award enquiry and deposited in the Court. However, dispute arose between the appellant herein and the second respondent herein regarding apportionment of the compensation in respect of five cents of land in Survey No.622/1 in Vedasanthur Village. Hence, reference was made before the reference Court. The appellant examined herself as witness. Likewise, Nalluswamy-R2 herein also examined himself as witness. The Court below gave a finding that five cents of land in Survey No.622/1 belonged to Nalluswamy as evidenced by the sale deed standing in favour of Nalluswamy and his wife. Ex.A8 is the patta in favour of Nalluswamy and his wife. On the other hand, though the appellant had lodged a claim, the Court below has given a specific finding that no document has been adduced in support of her claim.



3.Though the learned counsel for the appellant reiterated all the contentions set out in the memorandum of grounds, I am of the view that the aforesaid findings cannot really be dislodged in the absence of any acceptable contra evidence. Therefore, 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.G.GOMATHI SANKAR, Advocate (SR-15415[F] dated 07/04/2021)

+1 CC to M/s.SPL GP (SR-15498[F] dated 08/04/2021)

A.S(MD).No.196 of 2015
07.04.2021

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