



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.39 of 2015

and

M.P.(MD)No.1 of 2015

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The Special Tahsildar
The Land Acquisition Officer,
Irukkangudi Reservoir Scheme,
Sattur.

...Appellant/Referring
Officer

Vs.

Seshammal

...Respondent/Claimant

PRAYER: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the decree and judgment of the learned Sub Judge of Sivakasi in L.A.O.P.No.51 of 2001 dated 01.10.2004.

For Appellant : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For Respondent : Mr.S.Venkatesh

for Mr.A.Sivaji

JUDGMENT

Aggrieved over the order of the Tribunal enhancing the compensation from Rs.256/- per cent to Rs.1,200/- per cent, the present appeal suit came to be filed.

2. For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.

3.The brief facts, leading to the filing of this Appeal Suit, are as follows:-

(i) Total extent of 71.86.0 Hectares of Ryotwari Land was acquired at Melamadai Village in Sattur Taluk, Virudhunagar District for the purpose of constructing a reservoir under Irukkangudi Reservoir Scheme. The claimant is the owner of one of the properties acquired for the said purpose in Survey No.411/1B for an extent of 0.76.0 hectares. The Land Acquisition Officer fixed the value of the property at the rate of Rs.256/- per cent. Thereafter,



the matter has been referred to the Tribunal under Section 18(1) of the Act as the claimants have claimed Rs.15,000/- per cent as compensation.

(ii) Before the Tribunal, on the side of the claimant, C.W.1 to C.W.4 were examined and Exs.C1 to C4 were marked and on the side of the respondent R.W.1 was examined and Exs.R1 to R6 were marked.

4. The Land Acquisition Tribunal after considering both the documents and oral evidence has enhanced the compensation at the rate of Rs.1,200/- per cent with 30% solatium with necessary interest. Challenging the same, the present appeal is filed.

5. The learned Additional Government Pleader appearing for the appellant submitted that the Government has already filed A.S.Nos.65 to 67 and 69 to 73 of 2006 in respect of the same issue on hand and this Court has also dismissed all the Appeal Suits on 28.10.2010 confirming the compensation fixed by the Land Acquisition Tribunal.

6. The learned counsel appearing for the respondents has also conceded to the submission of the learned Additional Government Pleader. He would further submit that in a similar matter, this Court has also dismissed the appeals filed by the Government confirming the order of the Land Acquisition Tribunal on 07.01.2021 in A.S.Nos.160 to 164 of 2017.

7. In the light of the above submission, now the point arises for consideration in this appeal are:

(i) Whether the compensation arrived by the Tribunal is liable to interfered with?

8. The acquired property is situated in Melamadai Village, Sattur Taluk, Virudhunagar District and the acquisition was made only for the purpose of constructing a Reservoir. The Land Acquisition Tribunal has fixed the compensation based on Exs.C1 to C4, sale deeds, which are much prior to the notification issued under Section 4(1) of the Land Acquisition Act.

9. In A.S.Nos.65 to 67 and 69 to 73 of 2006 pertaining to the same notification, this Court after considering the case in extensive has confirmed the compensation arrived by the Land Acquisition Tribunal even in the year 2010 and no appeal was filed against the said judgment.

10. This Court has also perused the order of the Land Acquisition Tribunal and the earlier judgment of this Court in respect of the same issue. This Court does not find any error in the order of the Tribunal. Accordingly, the point arose for consideration in this appeal is answered.



11. In the result, the present Appeal Suit is dismissed confirming the judgment and decree of the Sub Court, Sivakasi in L.A.O.P.No.51 of 2001 dated 01.10.2004. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Sub Judge, Sivakasi.

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

+1 CC to M/s.GP (SR-2347[F] dated 29/01/2021)

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27.01.2021

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