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A.S.Nos.869 to 871 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N. MALA

A.S.Nos.869 to 871 of 2010

and

M.P.Nos.1, 1 & 1 of 2010

The Land Acquisition Officer/
Special Tahsildar (LA) Unit-I,
Bharathiyar University,
Coimbatore.

... Appellant
in A.S.No.869 of 2010

The Land Acquisition Officer/
Special Tahsildar (LA) Unit-2,
Bharathiar University,
Coimbatore.

... Appellant
in A.S.No.870 of 2010

The Land Acquisition Officer/
Special Tahsildar (LA)
Bharathiar University,
Coimbatore.

... Appellant
in A.S.No.871 of 2010

Vs.



A.S.Nos.869 to 871 of 2010

- 1.Maruthappa Mudaliar
- Maruthappa Mudaliar (deceased)
- 2.Ramathaal
- 3.Shanmugam
- 4.Kaliappan
- 5.Ayyasamy
- 6.Muthusamy
- 7.Mani
- 8.Saraswathi
- 9.Vijaya
- 10.Ayyasamy
- 11.A.Rajendran
- 12.Thangavelu
- 13.Maruthachalam
- R.Kandasamy (deceased)
- 14.Ramasamy
- Palanisamy (deceased)
- 15.Ramasamy
- 16.Velliangiri
- 17.Krishnasamy
- Kuppanna Mudaliar (deceased)
- 18.Ramasamy
- 19.Venkidusamy
- Thiruvankidasamy Mudaliar (deceased)
- Rangasamy (deceased)
- Malaiyakkal (deceased)
- R.Vellingiri (deceased)
- 20.Selvi Padmavathy
- 21.M.V.Mathy
- Muthan Chettiyar (deceased)
- 22.Kaliyappan
- 23.M.Ramasamy
- 24.M.Thangavelu
- 25.N.Duraisamy



A.S.Nos.869 to 871 of 2010

26.N.Ramasamy

27.Subramanian

28.Rangasamy Chettiar

29.S.R.Kuppusamy

30.A.Krishnasamy

Ayyammal (deceased)

31.P.Subramaniam

32.V.P.Sivasamy

33.S.Arumugam

34.S.Palanisamy

35.Karuppathal

Muthan Chettiyar (deceased)

V.Rangasamy (deceased)

36.Nanjappa Chettiyar

37.Krishna Chettiyar

38.Kaliappan

39.Nanjappan

40.Nanjappa Chettiyar

41.Rangasamy

42.Mayilathal

M.Arumuga Mudaliar (deceased)

43.A.Ayyasamy

44.A.Maruthachalam

45.Krishnasamy

46.S.Kumarasamy Mudaliar

K.Mariappa Mudaliar (deceased)

47.M.Ayyasamy

48.M.Manoharan

49.R.Ayyasamy

50.R.Maruthachalam

R.Kandasamy (deceased)

51.N.Ayyasamy

52.N.Muthusamy

53.Mani



A.S.Nos.869 to 871 of 2010

54.Saraswathi

55.Vijaya

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Arumuga Mudaliar (deceased)

Othimalai Mudaliar (deceased)

56.A.Ayyasamy

57.A.Nagappan

M.Othimalai Mudaliar (deceased)

58.Sarojini

59.Kumarasamy Mudaliar

60.K.Nagappan

61.K.Palanisamy

Arumuga Mudaliar (deceased)

Nanjammal (deceased)

62.V.P.Venkatesan

63.N.M.Sowrimuthu

64.Sivagami

65.Ayyasamy

66.Vijayalakshmi

67.Rathinam

68.Manoharan

69.O.Kanagaraj

70.N.Vijayalakshmi

Ramathal (deceased)

71.Rukmani

72.Thulasiammal

73.Nagammal

74.Kaliappan

75.M.Shanmugam

76.Meenatchi

77.Kamalammal

78.Ayyasamy

79.Nagappan

80.Kanaga @ Maruthakkal

81.O.Raju



A.S.Nos.869 to 871 of 2010

82.O.Kanagaraj

83.Palaniammal

84.Baby

85.Savithri

86.Moorthy

87.Santhamani

88.Sathasivam

89.Sutha

90.Kulanthaiammal

91.Rajamani

92.Sundarraaj

93.Maragatham

94.Gunasekaran

95.K.Maruthakkal

96.K.Natarajan

97.T.Ponnammal

98.Saraswathi

99.M.Ayyasamy

100.M.Angappan

101.Kaliappan

102.M.Ramasamy

103.Kalamani

104.Bharathimani

105.M.Thangavel

106.The Registrar,

Bharathiyar University,
Coimbatore.

... Respondents
in A.S.No.869 of 2010

Karuppannan (deceased)

Vettay Gounder (deceased)

Nanjappa Gounder (deceased)

Bramma Lingam (deceased)

Marudhachalam (deceased)



A.S.Nos.869 to 871 of 2010

- 1.Rangasamy
Rangasami Gounder @ Chinnasamy Gounder (deceased)
- 2.Rangasamy @ Varadhan
- 3.Manickam @ Balasubramaniam

Elavar Dhanasekaran (deceased)

- 4.Rangaraj
- 5.Gunasekaran
- 6.Muthey Gounder
- 7.Vettay Gounder
- 8.Mayilsamy Gounder
- 9.Vellingiri
- 10.Subbaiyan
- 11.Perumal Gounder
- Nanjappan (deceased)
- Marudhappan (deceased)
- 12.Ramaswamy
- 13.Velusamy
- 14.R.Periyanna Mudaliyar
- 15.Periyannan
- 16.Ranganathan
- 17.Rangammal
- 18.Marudhachalam
- 19.Parvathiyammal
- 20.Anghathal
- 21.Marudhakkal
- 22.Karuppanna Gounder
- 23.K.Ponnusamy
- 24.Karuppanna Gounder
- Marudhachala Gounder (deceased)
- 25.Rangasamy
- 26.Maray Gounder
- 27.Marudhakkal
- 28.Chinnasamy
- 29.Mayilsamy



A.S.Nos.869 to 871 of 2010

30.Pappathi
31.Chinnamani
32.M.Sivagnanasundaram
33.Parvathi
Nithiyanandham (deceased)

34.Karpagam
35.Kumaravel
36.Elavar N.Uma Sankari
37.Thangammal
38.Jothimani
39.Rajammal
40.Devaraj
41.M.Nataraj
42.Kandavel
43.Arumugam
44.Dhanushkodiammal
45.Karthikeyan
46.Murthi
47.Rukmani
48.Muthammal
49.K.Rangaraj
50.Nanjammal
51.Palanisamy
52.Krishnasamy
53.Marudhakkal
54.Marakkal
55.Mailathal
56.Poovathal
57.Karuppathal
58.Velusamy
59.Vijaya
60.Saraswathi
61.Ayyammal
62.Karuppannan



A.S.Nos.869 to 871 of 2010

63.Somappa Gounder

64.Arumugam

65.Marudhappan

66.Thangammal

67.The Registrar,
Bharathiyar University,
Coimbatore.

... Respondents
in A.S.No.870 of 2010

- 1.V.Namachivayam
- 2.Karunakaran
- 3.C.Ponnusamy
- Swamynatha Pandaram (deceased)
- 4.Sangaral
- Sadhasiva Pandaram (deceased)
- 5.Angamuthu
- 6.Muththan Chettiyar
- 7.Rangammal
- 8.M.Ramasamy
- 9.M.Rangan
- 10.Arumugam
- 11.Marudhachalam
- 12.Rangammal
- Bakkiyam (deceased)
- 13.Soundaravalli
- 14.Gnanapoongodhai
- Thiripura Sundari (deceased)
- 15.Angammal
- 16.Subbulakshmi
- 17.Sachidhanandham
- Thirunavukkarasu (deceased)
- 18.A.Panjalingam



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19.C.P.Ravikumar
20.Santhakumari
21.Dhanalakshmi
22.Arulmozhi
23.Selvi Kiruthiga
24.T.Swaminathanm
25.S.Rajini

26.N.Vadivel
27.Viswanathan
28.Ramathilagam
29.Kirubhakaran
30.The Registrar,
Bharathiyar University,
Coimbatore.

... Respondents
in A.S.No.871 of 2010

Common Prayer : Appeal Suits in A.S.Nos.869, 870 & 871 of 2010 filed under 54 of the Land Acquisition Act against the order and decree dated 29.10.2007 in L.A.O.P.Nos.256, 252 and 198 of 1986, respectively, on the file of the I Additional Sub-Court, Coimbatore.

For Appellant : Mr.T.Chandrasekaran
Special Government Pleader
in all appeals

For R3, R4, R17, R18,
R31 to R34, R43 to R46,
R66 to R73 & R75 to R98 : Mr.R.Bharath Kumar



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A.S.Nos.869 to 871 of 2010

in A.S.No.869 of 2010

For R106

: Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar
in A.S.No.869 of 2010

For R1, R6, R7, R9, R10,
R12, R13, R23, R28,
R32 to R43, R46, R47, R50,
R58, R60, R62, R63 to R66

: Mr.D.Krishna Pradeep
in A.S.No.870 of 2010

For R67

: Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar
in A.S.No.870 of 2010

For R2, R3, R7, R16, R24,
R26, R27 & R28

: Mr.D.Krishna Pradeep
in A.S.No.871 of 2010

For R30

: Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar
in A.S.No.871 of 2010

COMMON JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)



A.S.Nos.869 to 871 of 2010

WEB COPY These three appeals by the Land Acquisition Officer are against the enhancement of compensation made by the Reference Court in respect of the lands acquired by the Government for Bharathiyar University.

2.Vast extent of lands were acquired by the Government for Bharathiyar University in 1980s in Vadavalli and Somayampalayam Villages of Coimbatore District. These three appeals are in respect of lands acquired in Somayampalayam village. Awards were passed in Award Nos.1 of 1985 dated 07.03.1985, 1 of 1984 dated 18.05.1984 and 2 of 1984 dated 21.05.1984, fixing compensation for the lands acquired by the Government in Somayampalayam Village.

3.Aggrieved by the quantum of compensation, several land owners raised objection and filed petition under Section 18 of the Land Acquisition Act, 1894, seeking just compensation by referring the matter to Civil Court. On such reference, the Reference Court, after considering several documents, by a common order and decree, dated 29.10.2007, in L.A.O.P.No.256 of



A.S.Nos.869 to 871 of 2010

1986 (against Award No.1 of 1985) fixed the market value at Rs.2,600/- per cent and in L.A.O.P.Nos.252 and 198 of 1986 (against Award Nos.1 of 1984 and 2 of 1984 respectively), fixed the market value at Rs.2,800/- per cent.

4. Aggrieved by the enhancement of compensation, these three appeals are filed by the Land Acquisition Officer.

5. This Court has already considered an appeal in A.S.No.1061 of 2012 ***[The Land Acquisition Officer, Special Tahsildar Unit-2, Bharathiyar University Coimbatore v. Muthanchettiyar and others, dated 03.11.2022]*** arising out of L.A.O.P.No.94 of 1987 and confirmed the order of Reference Court fixing compensation at Rs.2,600/- per cent for the lands in Somayampalayam Village of Coimbatore District. Since the above appeals also arise out of the lands acquired in the same village under the same notification, which was the subject matter of earlier appeal in A.S.No.1061 of 2012, and this Court has already, by an elaborate judgment, dismissed the earlier appeal, confirming the market value fixed by the Reference Court at Rs.2,600/-, the appeal in A.S.No.869 of 2010 is liable to be dismissed. In



A.S.Nos.869 to 871 of 2010

L.A.O.P.Nos.252 and 198 of 1986, the Reference Court has fixed the compensation at Rs.2,800/- per cent based on the road frontage and also having regard to the location of the land. Therefore, this Court is unable to find fault with the decision of the Reference Court fixing just Rs.200/- more in respect of the lands which are subject matter of L.A.O.P.Nos.252 and 198 of 1986, having regard to the special advantages of the lands. Therefore, this Court is not inclined to interfere with the compensation fixed by the Reference Court in L.A.O.P.Nos.252 and 198 of 1986 also. Hence, A.S.Nos.870 and 871 of 2010 are liable to be dismissed.

6.Accordingly, these three appeals are dismissed, confirming the order and decree of the Reference Court. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.M., J.)
07.11.2022
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A.S.Nos.869 to 871 of 2010

To

- 1.The I Additional Sub-Judge,
Coimbatore.
- 2.The Land Acquisition Officer/
Special Tahsildar (LA) Unit-1,
Bharathiar University,
Coimbatore.
- 3.The Land Acquisition Officer/
Special Tahsildar (LA) Unit-2,
Bharathiar University,
Coimbatore.
- 4.The Land Acquisition Officer/
Special Tahsildar (LA)
Bharathiar University,
Coimbatore.
- 5.The Registrar,
Bharathiar University,
Coimbatore.
- 6.The Section Officer
VR Section, High Court,
Chennai.



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A.S.Nos.869 to 871 of 2010

S.S. SUNDAR, J.
and
N. MALA, J.

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A.S.No.869 to 871 of 2010



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