



A.S.Nos.386, 408, 409, 437, 522, 931 of 2018,
134 & 180 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2022

CORAM :

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**A.S.Nos.386, 408, 409, 437, 522, 931 of 2018, 134 & 180 of 2019
and C.M.P.No.13193 in A.S.No.522 of 2018
and C.M.P.No.23712 of 2018 in A.S.No.931 of 2018**

A.S.Nos.386, 408, 409 & 437 of 2018:

Jothipaul .. Appellant in A.S.No.386/2018

Velavan Brick Industries
rep by its Partner G.Kamalanathan,
No.28, Lakshmi Talkies Road,
Shenoy Nagar, Chennai – 600 030. .. Appellant in A.S.No.408/2018

K.Krishnakumar .. Appellant in A.S.No.409/2018

1.Rukmaniammal

2.Raja

3.Prema

4.Devi

5.Kanagasabapathy

6.Thamarai Selvi

7.Uma Shankar

8.Dheepan



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9.Ganesh

10.Chinna Ponnu

11.Minor M.Vikram

12.Minor M.Nithya Shree

.. Appellants in A.S.No.437/2018

(Minors appellants 11 & 12 are represented by their guardian mother Chinna Ponnu, the 10th appellant; Appellants 2 to 12 are impleaded as per the orders of this Court in I.A.No.38 of 2015 dated 17.02.2015)

Vs.

1.The Special Tahsildar (L.A.) Unit – I,
Outer Ring Road Project, Phase – I,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008
now having office at
K.M.M.C. Building, Koyambedu Market,
Koyambedu, Chennai – 92.

2.The Member Secretary,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008. .. Respondents in all 4 A.Ss

Appeals filed under Section 54 of the Land Acquisition Act, 1894
against the judgment and decree in L.A.O.P.Nos.5, 4, 10 & 6 of 2015 dated
10.10.2017 on the file of the Subordinate Judge, Kancheepuram.

For Appellants : Mr.R.Harikrishnan
(in all 4 A.Ss)

For Respondents : Mr.T.Chandrasekaran,
(in all 4 A.Ss) Special Government Pleader (R1)
Mr.C.Manoharan (CMDA - R2)



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A.S.Nos.522, 931 of 2018 & 134, 180 of 2019:

The Special Tahsildar,
Land Acquisition Unit – I,
Outer Ring Road Project, Phase – I,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008
now having office at
K.M.M.C. Building, Koyambedu Market,
Koyambedu, Chennai – 92. .. Appellant in all 4 A.Ss

Vs.

1.K.Krishnakumar .. 1st Respondent in A.S.No.522/2018

Deenadayalan (Died)
1.Rukmaniammal
Mathiazhagan (Died)
Manivannan (Died)

2.Raja
3.Prema
4.Devi
5.Kanagasabapathy
6.Thamaraiselvi
7.Uma Shankar
8.Dheepan
9.Ganesh
10.Chinnaponnu
11.Minor Vikram

12.Minor M.Nithya Shree .. Respondents 1 to 12 in A.S.No.931/2018
(Minors respondents 11 & 12 are represented by their guardian mother
Chinna Ponnu, the 10th respondent)



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Sri Velavan Brick Industries
by its Proprietor G.Kamalanathan,
S/o Chinnaiya Naidu
Residing at No.28, Lakshmi Talkies Road,
Shenoy Nagar, Chennai – 600 030. .. 1st Respondent in A.S.No.134/2019

Jothipaul .. 1st Respondent in A.S.No.180/2019

2.The Member Secretary,
Chennai Metropolitan Development Authorities,
Egmore,
Chennai – 600 008. .. 2nd Respondent in A.S.Nos.522/2018,
134 & 180/2019;
13th Respondent in A.S.No.931/2018

Appeals filed under Section 54 of the Land Acquisition Act, 1894
against the judgment and decree in L.A.O.P.Nos.10, 6, 4 & 5 of 2015 dated
10.10.2017 on the file of the Subordinate Judge, Kancheepuram.

For Appellants : Mr.T.Chandrasekaran
(in all 4 A.Ss) Special Government Pleader

For Respondents : **A.S.Nos.522/2018, 134 & 180/2019**

Mr.R.Hariskrishnan (R1)

Mr.C.Manoharan (CMDA - R2)

A.S.No.931/2018

Mr.R.Hariskrishnan (R1 to R12)

Mr.C.Manoharan (CMDA - R13)



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COMMON JUDGMENT

(Judgment was delivered by M.DURAISWAMY, J.)

Challenging the Award passed in the L.A.O.P.Nos.10, 6, 4 & 5 of 2015 on the file of the Subordinate Court, Kancheepuram, the State as well as the claimants have filed the above appeals.

2.By Section 4(1) Notification dated 29.09.1997, the land belonging to the claimants were acquired in Kundrathur Village, Sriperumbudur Taluk, Chengalpattu District. The Acquisition Officer conducted enquiry under Section 5A of the Land Acquisition Act and also passed an Award based on the Data Sale Deed as Rs.650/- per cent. On reference being made by the claimants, the Subordinate Court, Kancheepuram, enhanced the value of the land to Rs.20,237/-. While arriving at the said value, the Reference Court took into consideration the Exhibits C.1, C.2 and C.3 Sale Deeds. As per Ex.C.1 Sale Deed, the guideline value of the property was Rs.33,136/- per cent and as per Ex.C.2, it was Rs.34,008/- per cent. The sale value of the property under Ex.C.1 was Rs.25,952/- and under Ex.C.2 Sale Deed was Rs.25,433/- per cent. Ex.C.1 Sale Deed was dated 03.07.2000 and Ex.C.2 was dated 14.07.2000. Challenging the Award passed by the



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Reference Court, the claimants as well as the Special Tahsildar (Land Acquisition) have filed the above appeals.

3.It is the contention of the learned counsel for the claimants that the Reference Court should have fixed the value of the land at Rs.25,952/- per cent based on Ex.C.1 Sale Deed dated 03.07.2000. Further, the learned counsel submitted that the guideline value per cent at the time of execution of Ex.C1 was Rs.33,136/-.

4.Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the appellants in A.S.Nos.522, 931 of 2018, 134 & 180 of 2019 fairly submitted that the Division Bench of this Court, by its judgment dated 11.10.2011, had already dismissed the appeals filed by the Special Tahsildar (Land Acquisition) challenging the Award passed by the Reference Court in respect of the lands acquired under the same Notification in Kundrathur Village and therefore, the appeals filed by the State, challenging the Award, are covered by the decision of the Division Bench of this Court made in A.S.No.840 of 2009, etc, batch, dated 11.10.2011.



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5.The learned counsel for the claimants/appellants in A.S.Nos.386, 408, 409 & 437 of 2018 submitted that the Division Bench, while disposing of the appeals in A.S.No.840 of 2009, etc, batch, dated 11.10.2011, observed that the claimants are entitled to a higher value of Rs.25,952/- per cent and for the reason that the claimants therein did not file any appeal seeking for enhancement of the compensation, they have only dismissed the appeals filed by the State challenging the Award and confirmed the Award passed by the Reference Court. The learned counsel relied upon paragraph – 40 of the judgment dated 11.10.2011, which reads as follows:

“ ...

40.Ex.C.1 is also dated 3.3.1999 one year prior to 4(1) Notification. As far as Exs.C.2 and C.3 are concerned, the lands in S.Nos.304 and its sub divisions and 1154 and its sub divisions were sold almost for similar rates. Under Ex.C.2 the land value is Rs.25,433/- per cent and under Ex.C.3 Rs.25,952/-. The sale under Ex.C.3 being the highest value the market value for the land acquired in Kunrathur should be Rs.25,952/-. There need not be any deduction as the land is acquired for laying of roads. However, the reference court has fixed Rs.20,237/- per cent as market value. Since there is no



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cross objection filed by the claimants for enhancement, the market value fixed by the trial court at Rs.20,237/- per cent is confirmed.”

6.It is pertinent to extract paragraph nos.6, 38 & 41 of the judgment dated 11.10.2011, which reads as follows:

“ ...

6.An extent of 22.05.5 hectares of land at Kunrathur Village involving S.Nos.949 to 1313 and its sub divisions were acquired for the purpose of Outer Ring Road by the CMDA. The date of 4(1) Notification was on 30.8.2000. The Land Acquisition Officer fixed the market value at Rs.650/- per cent. On objections having been raised by the claimants, a reference was made. The aforesaid reference court, after taking into account the data value of the land under Ex.C.1, C.2 and C.3 on the one hand and the guideline value of these lands on the other land, arriving at the average of these costs, has decided the value to be Rs.20,237/-. Aggrieved by the same, the Special Tahsildar, Land Acquisition Unit-II, ORR Project has preferred the appeals in A.S.Nos.1009 to 1056 of 2009.

...

38.A.S.Nos.1009 to 1056 of 2009: The lands acquired are in Kunrathur Village. The date of 4(1) Notification is on 30.8.2000. The Land Acquisition Officer has fixed the market



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value at Rs.650/- per cent. The data sale deed relied upon by the Land Acquisition Officer is dated 27.12.1999. The claimants have produced Ex.C.1 dated 3.3.1999 and a sale deed dated 5.7.2000 as Ex.C.2. The data sale deeds relate to S.No.1144 of Kunrathur Village. The acquired lands are in various sub divisions of survey numbers of 944 to 1106.

...

41.In the result, A.S.Nos.840 to 845 of 2009, 957 to 963 of 2009 and 1009 to 1056 of 2009 are dismissed and the award passed by the Reference Court is confirmed. If the amount is not deposited, the 3rd respondent, who is the beneficiary, is directed to deposit the entire award amount with statutory benefits within a period of eight weeks from the date of receipt of a copy of this order and the claimants are permitted to withdraw the same.”

7.On a perusal of the judgment made in the above appeals, the Division Bench has categorically held that the claimants are entitled to higher compensation in view of the Ex.C.3 Sale Deed and that the value of the land acquired should be Rs.25,952/- per cent. Further, since there was no Cross Objection filed by the claimants therein for enhancement of the market value fixed by the trial Court, Rs.20,237/- per cent was confirmed.



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In the case on hand, the claimants have filed separate appeals, seeking for enhancement of the compensation. Therefore, the finding rendered by the Division Bench of this Court in A.S.No.840 of 2009, etc, batch, dated 11.10.2011 would cover the claimants' land also.

8. So far as the appeals filed by the State are concerned, since the claimants are entitled to a higher compensation, the appeals filed by the State, seeking for reduction in the value of the land, cannot be considered. Following the judgment of the Division Bench of this Court dated 11.10.2011 made in A.S.No.840 of 2009, etc, batch, the appeals filed by the Special Tahsildar (Land Acquisition) are liable to be dismissed.

9. The appellants in A.S.Nos.386, 408, 409 and 437 of 2018 are entitled to compensation at the rate of Rs.25,952/- per cent. It is needless to say that the claimants are also entitled for interest on statutory benefits.

10. The Special Tahsildar (Land Acquisition) shall deposit the balance compensation amount to the credit of the respective L.A.O.Ps within a period of twelve (12) weeks from the date of receipt of a copy of



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this judgment. The claimants are permitted to withdraw the entire amount as awarded by this Court.

11.For the reasons stated above, the appeals in A.S.Nos.522, 931 of 2018, 134 and 180 of 2019 are dismissed and the appeals in A.S.Nos.386, 408, 409 and 437 of 2018 are partly allowed.

12. In other aspects, the Award passed by the Reference Court shall remain unaltered.

13.Mr.T.Chandrasekaran, learned Special Government Pleader shall be entitled to claim separate set of fees in each of the appeal. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
va

[M.D., J.] [S.M., J.]
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**M.DURAIWAMY, J.
and
SUNDER MOHAN, J.**

va

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931 of 2018, 134 & 180 of 2019
and C.M.P.Nos.13193 & 23712 of 2018**

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