



A.S.Nos.1077 and 1078 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.06.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

A.S.Nos.1077 and 1078 of 2012

In A.S.No.1077 of 2012 :

1. The Executive Engineer,
National Highways Scheme (LA),
Korattur.
2. The Special Tahsildar (LA),
National Highways Scheme,
Korattur, Tiruvallur District. .. Appellants

Versus

1. Sundararajan
2. Krishnamurthy .. Respondents

In A.S.No.1078 of 2012 :

1. The Executive Engineer,
National Highways Scheme (Land Acquisition),
Korattur.
2. The Special Tahsildar (Land Acquisition),
National Highways,
Korattur,
Tiruvallur District. .. Appellants

Versus



A.S.Nos.1077 and 1078 of 2012

1. Ellammal
 2. Subramanian
 3. Ganesan
 4. P.S.Venkatraman
 5. Kalyani

 6. T.V.Lakshmi (Minor)
rep. by Mother, fifth respondent

 7. T.V.Kannan (Minor)
rep. by Mother, fifth respondent

 8. T.V.Menaka Devi (Minor)
rep. by Mother, fifth respondent
- .. Respondents

Prayer in A.S.No.1077 of 2012 : Appeal Suit filed under Section 54 of the Land Acquisition Act to set aside the decree passed in L.A.O.P.No.303 of 1994, dated 20.10.2003 of Additional District Court (FTC No.IV), Poonamallee.

Prayer in A.S.No.1078 of 2012 : Appeal Suit filed under Section 54 of the Land Acquisition Act to set aside the decree passed in L.A.O.P.No.304 of 1994, dated 20.10.2003 of Additional District Court (FTC No.4), Poonamallee.

In A.S.No.1077 of 2012 :

For Appellants : Mr.T.Chandrasekaran,
Special Government Pleader (A.S)

For Respondents : Mr.S.Balasubramanian,
for RR-1 and 2

In A.S.No.1078 of 2012 :



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A.S.Nos.1077 and 1078 of 2012

For Appellants : Mr.T.Chandrasekaran,
Special Government Pleader (A.S)

For Respondents : No Appearance

COMMON JUDGMENT

These Appeal Suits are filed against the common judgment of the learned Additional District Judge (Fast Track Court No.IV), *Poonamallee*, dated 20.10.2003 in L.A.O.P.Nos.303 and 304 of 1994.

2. An extent of 80 cents of land in S.No.48/2, 86 cents of land in S.No.37/2 in *Korattur* village, *Poonamallee* taluk were acquired in the year 1986-87 vide Award Nos.1/86, dated 22.08.1986 and 1/87, dated 09.01.1987. A compensation amount of Rs.600/- per Cent was fixed by the Land Acquisition Officer. Therefore, the above Land Acquisition Original Petitions were filed praying for enhancement of the compensation amount from Rs.600/- per Cent to Rs.20,000/- per Cent. The contention of the Original Petitioners is that the entire area was a very developed area and even before the acquisition, certain properties were sold at the rate of Rs.25,000/- per Cent and therefore, they are justified in praying for Rs.20,000/- per Cent.



A.S.Nos.1077 and 1078 of 2012

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3. The Original Petitions were resisted by filing a counter statement stating that the Land Acquisition Officer has correctly awarded the market price.

4. On the above said pleadings, the Reference Court took up both the petitions for joint trial and on behalf of the claimants, one *Krishnamurthy* was examined as *C.W.1* and *Exs.A-1* to *A-3* were marked. On behalf of the authorities, *R.Baskaran* was examined as *R.W.1* and *Ex.B-1* was marked. Thereafter, the Trial Court considered the case of the parties and finding that in the judgment of L.A.O.P.No.767 of 1987, which was marked as *Ex.A-3*, which was in respect of similarly situated land, the Court had enhanced the compensation to Rs.4,000/- per Cent, allowed the above Land Acquisition Original Petitions by enhancing the compensation from Rs.600/- per Cent to Rs.4,000/- per Cent. Aggrieved by the same, the present Appeal Suits are filed.

5. Even though the first respondent in A.S.No.1078 of 2012 has died and the matter is pending for taking steps in respect of the said respondent, considering the facts and circumstances of the cases, this Court took up the



A.S.Nos.1077 and 1078 of 2012

WEB COPY

cases for hearing on merits. On behalf of the appellants, it is submitted and pleaded in the grounds of appeal that the Trial Court erred in enhancing the compensation, that too exorbitantly. It is further pleaded that the Trial Court has not given its reasons as to why it discarded the reasoning given by the Land Acquisition Officer in fixing the compensation at Rs.600/-. It is also further pleaded that the Court below has not given any rebates / reductions in respect of the present property which is smaller in extent. Therefore, it is prayed that the appeals be allowed.

6. Per *contra*, *Mr.S.Balasubramanian*, learned Counsel appearing on behalf of the respondents 1 and 2 in A.S.No.1077 of 2012, would submit that even though a sum of Rs.20,000/- was prayed for, only a sum of Rs.4,000/- was awarded as compensation which again was not adequate amount, but, however, no appeal has been preferred by the respondents / claimants. He would submit that even though there is a huge lapse of time, till date, the land owners are yet to realise the total amount due in respect of the lands acquired.



A.S.Nos.1077 and 1078 of 2012

WEB COPY

7. I have considered the said submissions and perused the material records of the case. The point for consideration is whether the Reference Court was right in enhancing the compensation to Rs. 4,000/- per Cent ? It can be seen that the land acquired is in *Korattur* village which is also a suburban area of the *Chennai* City at the relevant point of time. Further, it can be seen that while determining the market value, the Trial Court considered the similarity between the subject matter property and the property in the connected L.A.O.P.No.767 of 1987 and finding similarity, the Trial Court had enhanced the compensation to Rs.4,000/- and adopted and followed the fixation in the said award which was marked as ***Ex.A-3***. In that view of the matter, this Court does see the enhancement of compensation as erroneous or excessive. As a matter of fact, the Trial Court has awarded a reasonable compensation and there is no ground to interfere with the same in the present Appeal Suits.

8. In the result,

(i) The Appeal Suits in A.S.Nos.1077 and 1078 of 2012 fail and are dismissed;



A.S.Nos.1077 and 1078 of 2012

WEB COPY

(ii) The appellants are directed to deposit the balance compensation amount along with interest awarded by the Trial Court within a period of one month from the date of receipt of a copy of this order;

(iii) Upon such deposit, the respective owners of the extents of the lands are entitled to withdraw the entire sum along with accrued interest without filing any formal application and only upon verification of the identity;

(iv) It is needless to mention that the legal heirs of the first respondent shall also directly apply to the Trial Court to disburse the amount due to them;

(v) There shall be no order as to costs.

06.06.2023

Index : yes
Speaking order
Neutral Citation : yes
grs

To

The Additional District Court (FTC No.IV),
Poonamallee.



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A.S.Nos.1077 and 1078 of 2012

D.BHARATHA CHAKRAVARTHY, J.,

grs

A.S.Nos.1077 and 1078 of 2012

06.06.2023