



AS.Nos.731 to 733 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

AS.Nos.731 to 733 of 2010 and
MP.Nos.1, 2 & 2 of 2010

AS.No.731 of 2010

The Special Tahsildar(L.A.),
Salem-Karur Broad Gauge,
Railway Line Project,
Salem-1

... Appellant

Vs.

1.Poovayammal(died)
2.The Deputy Chief Engineer(Construction)
Salem-Karur Broad Gauge Railway Line
Project Southern Railway,
Salem-5
3.Selvam
4.Chithra
5.Vimal
6.Mythili
7.Paapathi
(Respondents 3 to 7 brought on record as LR's
of the deceased R1 vide order of Court
dated 07.11.2023 made in CMP.Nos.9835, 9837
and 9839 of 2023 in AS.No.731 of 2010

...Respondents

PRAYER: Appeal Suit is filed under Section 54 of Land Acquisition Act
against the judgment and decree of the learned Additional District Sessions



AS.Nos.731 to 733 of 2010

Judge & Fast Track Court No.1, Salem in Rev.Appln.No.436 of 2003 in
LAOP.No.119 of 2002 dated 23.05.2003

For Appellant : Mr.G.Velu,
Additional Government Pleader(AS)

For Respondents
For R3 to 7 : Mr.S.Sivakumar

For R2 : No appearance

R1 : died(steps taken)

AS.No.732 of 2010

The Special Tahsildar(L.A.),
Salem-Karur Broad Gauge,
Railway Line Project,
Salem-1

... Appellant

Vs.

1.Ramaswamy Gounder(died)
2.The Deputy Chief Engineer(Construction)
Salem-Karur Broad Gauge Railway Line
Project Southern Railway,
Salem-5
3.Krishnan
4.Suppan
5.Srinivasan
6.Ponnarasan
7.Vijaya
8.Neela
(Respondents 3 to 8 brought on record as LR's
of the deceased R1 vide order of Court
dated 07.11.2023 made in CMP.Nos.9831, 9829



AS.Nos.731 to 733 of 2010

and 9825 of 2023 in AS.No.732 of 2010

...Respondents

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PRAYER: Appeal Suit is filed under Section 54 of Land Acquisition Act against the judgment and decree of the learned Additional District Sessions Judge & Fast Track Court No.1, Salem in Rev.Appln.No.436 of 2003 in LAOP.No.120 of 2002 dated 23.05.2003

For Appellant : Mr.G.Velu,
Additional Government Pleader(AS)

For Respondents
For R3 to 5 : Mr.S.Sivakumar
For R2 : Not ready in notice
R1 : died(steps taken)

AS.No.733 of 2010

The Special Tahsildar(L.A.),
Salem-Karur Broad Gauge,
Railway Line Project,
Salem-1

... Appellant

Vs.

1.Sevaththal(died)
2.The Deputy Chief Engineer(Construction)
Salem-Karur Broad Gauge Railway Line
Project Southern Railway,
Salem-5
3.Duraiyan
4.Bakkiyam
5.Lakshmi
(Respondents 3 to 5 brought on record as LR's)



AS.Nos.731 to 733 of 2010

of the deceased R1 vide order of Court
dated 07.11.2023 made in CMP.Nos.9803, 9816
and 9818 of 2023 in AS.No.733 of 2010

...Respondents

PRAYER: Appeal Suit is filed under Section 54 of Land Acquisition Act against the judgment and decree of the learned Additional District Sessions Judge & Fast Track Court No.1, Salem in Rev.Appln.No.436 of 2003 in LAOP.No.121 of 2002 dated 23.05.2003

For Appellant : Mr.G.Velu,
Additional Government Pleader(AS)

For Respondents

For R3 to 8 : Mr.S.Sivakumar

For R2 : Not ready in notice

R1 : died(steps taken)

COMMON JUDGMENT

All the appeal suits are arising out of the judgment and decree passed in LAOP.Nos.119 to 121 of 2002 respectively on the file of the learned Additional District Sessions Judge & Fast Track Court No.1, Salem.

2. The appellant passed award dated 13.08.1999 thereby fixed the compensation. Without satisfying with the said award, the claimants filed claim



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petitions before the trial court. The trial court enhanced the compensation to Rs.16,38,020/- per acre. Aggrieved by the same, the appellant has filed these appeal suits.

3. On perusal of records, revealed that the properties belonged to the claimants were acquired by the appellant for formation of New Broad Gauge Railway Line between Salem-Karur via Namakkal by invoking the emergency provisions under Section 17(2) of the Land Acquisition Act. In view of the urgency, prior to the publication of notification under Section 4(1) of the Land Acquisition Act, service of notice under Section 6(1) of the Survey and Boundaries Act was completed. The Government in their order No.26 Transport Department dated 25.01.1999 have approved the declaration under Section 6 of the Land Acquisition Act and it was published in the Government Gazette Extraordinary issue No.65 dated 27.01.1999. The notification was published in the village and in the locality on 02.03.1999. The draft direction under Section 7 of the Land Acquisition Act to take order for acquisition of the land was approved by the Collector by the proceedings dated 21.04.1999. Thereafter, their objections were called for from the public prior to the commencement of



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acquisition process and after publication of notification, the claimants appeared for award enquiry and accordingly, award has been passed for the land acquired from the claimants. Accordingly, the award has been passed by the appellant on 13.08.1999. However, for enhancement of the award amount, the claimants filed petitions. The trial court after considering the value of the land, enhanced the value of the land to Rs.6,38,020/- per acre. Aggrieved by the same, the appellant also filed review applications before the trial court. All the review applications were also dismissed by the trial court. After exhausting the remedy of review, the appellant has filed these appeal suits as against the original judgment and decree passed in the claim petitions.

4. Now the enhanced amount has also been paid to the claimants as per the judgment and decree passed by the trial court. That apart, on perusal of records, this Court finds no grounds to interfere with the judgment and decree passed by the trial court since already all the issues were rightly dealt with by the trial court and enhanced the compensation. In fact, the review applications were also dismissed by the trial court by order dated 23.05.2003.



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5. In view of the above, all the appeal suits are dismissed and the judgment and decree of the learned Additional District Sessions Judge & Fast Track Court No.1, Salem in Rev.Appln.No.436 of 2003 in LAOP.Nos.119 to 121 of 2002 dated 23.05.2003 are confirmed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.12.2023

Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order
lok

To

- 1.The learned Additional District Sessions Judge &
Fast Track Court No.1,
Salem
- 2.The Deputy Chief Engineer(Construction)
Salem-Karur Broad Gauge Railway Line
Project Southern Railway,
Salem-5
- 3.Section Officer,
V.R.Section,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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