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A.S.No.496 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2023

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

A.S.No.496 of 2021

D.Balakrishnan

... Appellant/claimant

Vs.

1.The Special Tahsildar (LA),
Outer Ring Road,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

....Respondent/Referring Officer

2.The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

... Respondent/Beneficiary

Prayer: Appeal Suit filed under Section 54 of the Land acquisition Act, praying to set aside the judgment and decree passed in L.A.O.P.No.471/2008 dated 10.09.2015, on the file of the 3rd Additional District Court, Poonamallee and allow this appeal by enhancing Rs.1,00,000/- from Rs.10000/- with cost.

For Appellant : Mr.K.Thenrajan

For R1 : Mr.T.Chandrasekar

Special Government Pleader

For R2 : Mrs.P.Veena Suresh



JUDGMENT

This Appeal Suit has been filed by the appellant/claimant/land owner seeking to set aside the judgment and decree passed in L.A.O.P.No.471 of 2008 dated 10.09.2015, on the file of the 3rd Additional District Court, Poonamallee and to enhance the compensation to Rs.1,00,000/- from Rs.10,000/-.

2. The case of the appellant is that totally 4.06.0 hectares of land in various survey numbers in No.14, Pammadukulam village, Ambattur Taluk was acquired by the Government for development of outer ring road as per G.O.MS.No.381 dated 25.05.1993, Housing and Urban Development Department; out of which, 0.050.0 hectares extent of the land in Survey Nos.539/5A, 586/1B2, 585/1C and 585/1E belongs to appellant.

3. A reference was made by the Land Acquisition Officer and the case of the appellant was taken up in L.A.O.P.No.471/2008 on the file of the 3rd Additional District Court, Poonamallee, and the appellant made a claim for Rs.1,00,000/- per cent whereas the Land Acquisition Tribunal, without taking into account the latest sale pertaining to the particular area, has fixed the compensation at Rs.10,000/- per cent. Challenging the same, the present Appeal Suit has been filed.



4. When the matter is taken up today, Mr.Chandrasekar, learned Special Government Pleader, would submit that in respect of similarly placed neighbouring land owners, the LAOP Tribunal has passed Award dated 05.03.2015 in L.A.O.P.Nos.421, 423, 427, 428 of 2008. Challenging the said Award and the Award passed in the present appellant's case in L.A.O.P.No.471 of 2008 dated 10.09.2015, the Government had filed A.S.No. 98 to 102 of 2017 before this court.

5. The learned Special Government Pleader would further submit that among the said Appeal Suits, A.S.No.102 of 2017 is as against the Award passed in the case of the appellant and this court, by the common order dated 04.04.2017, dismissed the Appeals and confirmed the Award passed by the learned 3rd Additional District Judge, Poonamallee. He would also submit that this appellant was represented by a counsel in the said A.S.No.102 of 2017 and in view of the judgment passed in A.S.No.102 of 2017 confirming the award, nothing survives for consideration in the present Appeal Suit.

6. Heard learned counsel on either side and perused the materials available on record.

7. As rightly pointed out by the learned Special Government Pleader, the Award passed in the case of the present appellant has been put to challenge



along with four other cases of neighbouring land owners at the instance of the Government and this court, by order dated 4.4.2017, had confirmed the Award passed by the Trial Court and dismissed the Appeals preferred by the Government. The relevant portion of the said order is extracted hereunder for ready reference:-

"9. Learned counsel appearing for the both sides fairly conceded that the amount fixed by the trial Court is not required any interference in view of the fact that in a similar fact situation, a Division Bench of this Court has upheld the Judgment and decree passed by the learned trial Court. The learned trial Court taking into consideration of the facts that the lands acquired were situate near the developed area, fixed a sum of Rs.10,000/- per cent.

10. When the similar area where the lands were acquired in the same Survey Numbers were subjected for appeal before this Court, the Division Bench of this Court in A.S.No.472 to 480 of 2012, taking into consideration of the location of the lands acquired which is within the urban agglomeration of the City of Chennai and the area has already developed fast into an industrial and semi urban area, has confirmed the Judgment and decree passed by the trial Court.

11. Learned Government Pleader appearing for the



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appellant in this case has fairly conceded that in the event of confirming the judgment and decree passed by the learned trial Court in respect of the lands acquired by the appellants in similar area in the same Survey Numbers, the same will meet the ends of justice. Learned counsel for the respondents also conceded for the same.

12. Taking into consideration of the fact that the Division Bench of this Court has upheld the Judgment and decree passed by the trial Court in respect of the similar fact situation where the lands were acquired in the same Survey Numbers and taking into consideration of the fact that the trial Court in this case has arrived at the compensation at Rs.10,000/- per cent, based on the sale deed referred to under Ex.C3 which was registered as document No.421 dated 5.2.2003, much prior the date of the Notification under Section 4(1), this Court does not find any infirmity in the judgment and decree of the trial Court."

8. In view of the fact that already the Government had preferred Appeal Suit No.102 of 2017 challenging the Award passed in the case of the appellant, wherein, despite the fact that learned counsel for both the parties fairly conceded that the amount fixed by the trial Court does not require any interference, this court, by order dated 4.4.2017, had evaluated the



compensation on the materials available and considering the fact that a Division Bench of this Court has upheld the Judgment and decree passed by the trial Court in respect of the similar fact situation, where the lands were acquired in the same Survey Numbers. Therefore, this court is of the view that the order passed by this Court in A.S.No.102 of 2017 merges with the order passed by the Land Acquisition Tribunal in L.A.O.P.No.471 of 2008 dated 10.9.2015 and nothing survives for consideration in the present Appeal Suit. Accordingly, it is dismissed. No costs.

05.09.2023

Index: Yes/No.
Speaking/Non speaking order
mpa

To

1.The Special Tahsildar (LA),
Outer Ring Road,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

mpa/raa

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