



A.S.No.427 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

A.S.No.427 of 2021

The Special Tahsildar (LA), Unit IV

Outer Ring Road Project,

CMDA, Koyambedu, Chennai 92.

... Appellant

Vs.

1. M.Doraisamy

2. The Member Secretary,

C.M.D.A. Egmore,

Chennai 600 008.

... Respondents

PRAYER: First Appeal filed under Section 54 of Land Acquisition Act, 1984, of C.P.C., against the judgment and decree dated 16.04.2021 made in L.A.O.P.No.29 of 2018 on the file of the Subordinate Judge, Poonamallee.

For Appellant : Mr.T.Chandrasekaran
Special Government Pleader

For Respondents : Mr.V.Prem Kumar for R1
No appearance for R2



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J U D G M E N T

This appeal is preferred by The Special Tahsildar (Land Acquisition) Unit-IV, Outer Ring Road Project, CMDA, Koyambedu, Chennai questioning the correctness of the order dated 16.04.2021 passed in LAOP No. 29 of 2018 on the file of the Subordinate Judge, Poonamallee.

2. In and by the order dated 16.04.2021 passed in LAOP No. 29 of 2018 under Section 18 of The Land Acquisition Act, the learned Subordinate Judge, Poonamallee, fixed a sum of Rs.1,840/- per square feet as compensation, as against the sum of Rs.32/- per square feet fixed by the appellant.

3. Heard the learned Special Government Pleader for the appellant and the learned counsel for the first respondent-claimant.

4. It is not in dispute that the first respondent is the owner of the land comprised in Survey No. 21/22B in Prakash Nagar, Tiruninravur Village measuring an extent of 0.01.0 hectare. This land, along with other



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lands, were acquired by the appellant for the purpose of formation of Outer Ring Road in Tirunindravur Village. For this purpose, a notification under Section 4 (1) of the Land Acquisition Act was issued on 19.03.2007. It is also not in dispute that an award enquiry was conducted during which, it is claimed by the appellant that they have scanned 1390 documents and ultimately, by taking note of the sale price reflected in respect of the land in Survey No. 7/56 measuring 2384 square feet, they have arrived at the sum of Rs.32/- per square feet (or Rs.18,731/- per cent) as the fair market value payable for the land acquired from the first respondent. Accordingly, the appellant passed an award to that effect.

5. It is also seen that the land owners have filed WP No. 10987 of 2015 etc., batch challenging the award passed by the appellant, but they were dismissed. The writ petitioners/land owners therefore filed Writ Appeal No. 36 to 42, 246 of 2016 before the Division Bench and they were disposed of on 27.04.2017 with a direction to the land owners to vacate their respective houses to enable the acquisition authorities to form the Outer Ring Road under Chennai City Outer Ring Road Projects and directed the Land Acquisition Officer to pay the compensation amount to the land owners.



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Subsequently, at the instance of the appellants, the appeals were taken up for hearing again on 12.06.2017. In the revised order dated 12.06.2017, the Division Bench of this Court granted liberty to the claimants-land owners to file an application under Section 18 of The Land Acquisition Act, before the reference Court and the delay in filing such applications shall not be put against the land owners while entertaining the application seeking enhancement.

6. Aggrieved by the order passed by the Division Bench of this Court on 12.06.2017, the Land Acquisition Officer preferred SLP Diary No. 17541 of 2019 and the same was dismissed by the Honourable Supreme Court on 29.07.2019.

7. Pursuant to such direction of the Division Bench of this Court, the land owners have filed applications seeking reference under Section 18 and accordingly, their applications were referred to the Subordinate Judge, Poonamallee. The application of the first respondent was taken as LAOP No. 29 of 2018. As mentioned above, the Subordinate Judge, Poonamallee enhanced the compensation payable to the first respondent-claimant from Rs.32/- per square feet to Rs.1,840/- per square feet in the order dated



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16.04.2021, which has given rise to the filing of the present Appeal.

8. The learned Government Advocate appearing for the appellant raised very many grounds in support of his contention. He has also placed reliance on several decisions in support of his case. However, the learned Government Advocate would contend that identical cases relating to the very same project has been decided by the Division Bench of this Court in the common judgment dated 11.07.2023 passed in A.S. Nos. 423 to 425 and 429 to 434 of 2021. He therefore prayed for passing similar order in this appeal as well.

9. The learned Counsel appearing for the first respondent also has submitted that the issue involved in this appeal is no longer *res integra* inasmuch as the Division Bench of this Court has disposed of identical case in A.S. Nos. 423 to 425 and 429 to 434 of 2021 by the common judgment dated 11.07.2023. By virtue of the judgment dated 11.07.2023, the dispute involved in this appeal has been set at rest and therefore, he prayed for passing the same order in this appeal as well.

10. The Division Bench of this Court had dealt with an identical



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case arising out of LAOP No. 38 of 2018 on the file of Subordinate Judge, Poonamallee. The LAOP No. 38 of 2018 is one such case where the Subordinate Judge, Poonamallee enhanced the compensation payable to the land owner from Rs.32/- to Rs.1,842/- per square feet. The LAOP No. 38 of 2018 pertains to the very same project namely formation of Outer Ring Road at Thirunindravur. The aforesaid Appeal Suit Nos. 423 to 425 and 429 to 434 of 2021 were filed by the appellant herein as against similar order passed by the Subordinate Judge, Poonamallee. By the common judgment dated 11.07.2023, the Division Bench of this Court, upon considering the rival claim, reduced the compensation payable to the land owners from Rs.1,842/- fixed by the Reference Court to Rs.1,300/- square feet. Therefore, on the basis of the aforesaid decision of the Division Bench of this Court, this appeal suit has to be partly allowed.

11. In the light of the decision of the Division Bench of this Court in the common judgment dated 11.07.2023 passed in Appeal Suit Nos. 423 to 425 and 429 to 434 of 2021, this Appeal Suit is partly allowed by modifying the order dated 16.04.2021 passed in LAOP No. 29 of 2018 on the file of the Subordinate Judge, Poonamallee and the compensation amount payable to



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the first respondent-claimant for acquisition of his land is fixed at Rs.1,300/- per square feet. The compensation amount along with all other statutory benefits as per the provisions of the Land Acquisition Act is directed to be paid to the first respondent within a period of two months from the date of receipt of a copy of this order. No costs.

04.08.2023

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

To

1.The Sub Judge, Poonamallee.

2.The Section Officer, VR Section, High Court of Madras.



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