



WEB COPY

A.S.No.97 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.97 of 2022

V.Venkatesan (Died)

- 1.Kasthuri
- 2.Yuvaneshwari
- 3.Kala
- 4.V.Rajkumar (Died)
- 5.Senthilkumar

[A4 died, A1 is heir of the deceased A4 viz.,
V.Rajkumar, vide order dated 28.02.2023]

Vs.

... Appellants

- 1.The Special Tahsildar,
Land Acquisition Unit – I,
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008.
is 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

Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act,



to enhance the compensation from Rs.5,750/- per cent to Rs.15000/- per cent with all attendant benefits passed in L.A.O.P.No.52 of 2004 dated 31.01.2020 on the file of the Additional Subordinate Judge, Chengalpattu.

For Appellant : Mr.J.Ram
For R1 : Mr.T.Chandrasekaran,
Special Government Pleader
For R2 : Mr.C.Manoharan (For CMDA)

J U D G M E N T

The appellants are the claimants, who instituted the Appeal Suit to enhance the compensation with attendant benefits in L.A.O.P.No.55 of 2004.

2. The factum regarding the acquisition are not in dispute between the parties. The learned counsel for the appellant mainly contended that in Vandalur Village of an extent 57 cents were obtained for the formation of outer ring road and in award No.3 of 2002 dated 29.08.2002, the market value for the acquired property was fixed at Rs.1,150/- per cent by the Land Acquisition Officer. The issues were adjudicated pursuant to the reference by the Additional Sub-Court, Chengalpet and the Sub-Court, Chengalpet had enhanced the compensation at Rs.5,750/- per cent. Thus, the appellant



has chosen to file the present Appeal Suit.

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3. The learned counsel for the appellants drew the attention of this Court with reference to the compensation fixed in respect of the Appeal Suits filed by other similarly placed claimants, whose lands were acquired from the same village, the Hon'ble Division Bench of this Court had decided the issue in A.S.No.1003 of 2015 dated 19.08.2021, wherein the compensation was fixed at Rs.15,000/- per cent along with solatium in terms of the judgment of Apex Court in the case of ***Gurpreet Singh Vs. Union of India*** reported in ***2006 8 SCC 457*** to be reckoned from 19.09.2001. Since the Division Bench of this Court had elaborately adjudicated the issues and fixed the valuation at Rs.15,000/- per cent, this Court has to follow the same fixation for the purpose of granting compensation to the appellants in the present Appeal Suit. Accordingly, the appellants are entitled for the compensation at Rs.15,000/- per cent. The interest on solatium is to be given to the Appellants in terms of the judgment of the Apex Court in the case of ***Gurpreet Singh Vs. Union of India*** reported in ***2006 8 SCC 457*** to be reckoned from 19.09.2001.

4. Though the Land Acquisition Officer in his award has made an



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observation that out of 661 sales in Mannivakkam Village, there is no suitable sale for fixation of land value and therefore, the sale which took place in Vandalur, very near to the acquired land of Mannivakkam and it comes within 1.6Km radius is taken up for fixation of land value. However, in respect of the present claimants also, the Land Acquisition Officer fixed the land value of Rs.1,150/- per cent and therefore, the order passed in A.S.No.444 of 2022 would be applicable with reference to the enhancement to be granted for the present Appellant Claims.

5. The learned counsel for the claimants has brought to the notice of this Court that the 5th appellant Mr.Raj Kumar S/o. had died on 10.09.2022 and has filed a memo to that effect. Thus, the memo filed by the learned counsel for the 5th appellant is recorded and the mother of the 5th appellant is already a party i.e., 2nd appellant in the Appeal Suit, no further petition is required.

6. In view of the enhancement in compensation as granted by this Court, the Judgment and Decree passed in L.A.O.P.No.52 of 2004 dated 31.01.2020 is set aside and the Appeal Suit in A.S.No.97 of 2022 stands



allowed.

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7. The respondents are directed to settle the compensation along with the interest at Solatium to the appellant in terms of Section 34 of the Land Acquisitions Act within a period of three (3) months from the date of receipt of a copy of this Judgment.

28.02.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Judge,
Additional Subordinate Judge,
Chengalpet.



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S.M.SUBRAMANIAM, J.

skr

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