



A.S.No.444 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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1.S.Devaki (died)

2.S.Jayaram

3.Neelavathi (died)

4.V.R.Kannan

5.V.K.Malarvizhi

6.V.K.Karthik

... Appellants

(Amended as per Order in I.A.No.2 of 2020 dated 28.02.2020)

(The Claimants No.2 and 3 are recognized as Legal Heirs of Claimants
No.1 as per order in I.A.No.29 of 2018 and are added by way of
Amendment as per order in I.A.No.32 of 2018 dated 07.08.2018)

(The Claimants No.4 to 6 are recognized as Legal Heirs of Claimants
No.3 as per order in I.A.No.1 of 2019 and are added by way of
Amendment as per order in I.A.No.3 of 2019 dated 28.02.2020)

Vs.

1.The Special Tahsildar,
Land Acquisition Unit – I,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008.
is now having office at K.M.M.C.Building,
Koyambedu Market,
Koyambedu, Chennai – 92.



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2. The Member Secretary,
Chennai Metropolitan Development Authorities,
Egmore, Chennai – 600 008.

... Respondents

Prayer: Appeal Suit is filed under Section 54 of the L.A.O.P Act to enhance the compensation from Rs.5,750/- per cent to Rs.15,000/- per cent with all attendant benefits passed in L.A.O.P.No.55 of 2004 dated 10.11.2020 on the file of the Additional Subordinate Judge, Chengalpattu.

For Appellant	: Mr.J.Ram
For R1	: Mr.T.Chandrasekaran, Special Government Pleader (AS)
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



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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 VI 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.

3. The learned counsel for the appellant 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



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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. In view of the enhancement in compensation as granted by this Court, the Judgment and Decree passed in L.A.O.P.No.55 of 2004 dated 10.11.2020 is set aside.

5. 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.



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6. Accordingly, the Appeal Suit in A.S.No.444 of 2021 stand allowed.

No costs.

28.02.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Additional Subordinate Judge,
Additional Subordinate Court,
Chengalpet.

2.The Special Tahsildar,
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3.The Member Secretary,
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Egmore, Chennai – 600 008.



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S.M.SUBRAMANIAM, J.

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