



A.S.Nos. 1078 & 1079 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

A.S. Nos.1078 & 1079 of 2019

K.Sai Jamal (died)

Jainu Beevi (since Died)

1. K.S. Ahmed Hussian

2. K.S. Masthan

3. Fathima Beevi

4. K.S. Thamin Shah

5. Navaji Beevi

6. Ayesha Beevi

(LRs of deceased claimant K.Sai Jamal)

... Appellants in
both A.S.s

Versus

1. The Special Tahsildar (LA)
Shar Unit, Ponneri, Now In-Charge,
Revenue Divisional Officer,
Ponneri.



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2. The Chief Construction Engineer,
Department of Space,
Sriharikota-524 124.
3. The Head,
Personal and General Administration,
Satish Dhavan Space Centre, SHAR,
Sriharikota- 524 124.

(R2 and R3 impleaded vide court order
dated 12.04.2022 made in C.M.P.
Nos. 19216 & 19243 of 2021 and A.S.
Nos.1079 & 1078 of 2019)

.. Respondents in
both A.S.s

Prayer in A.S.No.1078 of 2019 :- This First Appeal has been filed under Section 54 of Land Acquisition Act, against the judgment and decree (common judgment) of the Subordinate Judge of Tiruvellore dated 26.02.1988 made in L.A.O.P.No. 425 of 1985.

Prayer in A.S.No.1079 of 2019 :- This First Appeal has been filed under Section 54 of Land Acquisition Act, against the judgment and decree (common judgment) of the Subordinate Judge of Tiruvellore dated 26.02.1988 made in L.A.O.P.No. 303 of 1985.



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For Appellant
in both A.S.s

: Mr.M.S.Subramanian

For Respondents
in both A.S.s

: Mr.T.Chandrasekaran,
Special Govt. Pleader for R1

Mr.C.Kulanthaivel for R2 & R3

COMMON JUDGEMENT

The claimants preferred these Appeal Suits praying to modify the judgment and decree of Sub-Judge, Tiruvallur passed in L.A.O.P.Nos. 425 & 303 of 1985 and prayed to fix the market value of lands at Rs.150/- per cent and grant all the benefits of amended Land Acquisition Act allowing this pauper appeal with costs.

2. Mr.M.S.Subramanian, learned counsel appearing for the Appellant would submit that the lower court failed to take note of the fact that the claim was for Rs.480/- per cent and not Rs.150/- or Rs.450/- per cent and also failed to consider that as early as 1973, the lands have fetched a sum of Rs.100/- per cent even for house site. He would also submit that the lower court failed to take note that Sale deed Ex.A2 is dated 27.03.1982 which is about 6 months prior to Sec.4(1) notification of 1982 and fixed the



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market value of the land at Rs.75/- per cent is contrary to law and weight of evidence. Hence, they prayed to modify the decree passed by the lower court by fixing the market value of the land at Rs.150/- per cent and grant all the benefits as per newly amended Land Acquisition Act.

3. The learned counsel for respondents raised objection for the said enhancement.

4. Today, when the matter taken up for hearing, both the learned counsels would submit that the judgment of this court held in the similar issue in an identical matter in the case of ***A.S.No.869 to 876 of 1995 on 28.10.2009*** in paras 4 to 6 would cover the facts of this case also, which reads as follows :-

“4. When the matter is taken up for final disposal, the Special Government Pleader as well as the counsel for respective claimants/respondents have brought to the notice of this court the judgment of a Division Bench of this Court passed in A.S.No.1021 to 1028 of 1995 dated 03.12.2003 in respect of the land acquisition made for very same project in the very same village. Inasmuch as the Division Bench of this



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Court has passed an order in identical cases, the same is applicable to the present appeals also. The Division Bench Judgment can be usefully extracted hereunder :-

“vast extent of lands were acquired for the Department of Space (ISRO), Government of India for the project of SHAR at Sriharikotta in Karimanal village, Ponneri Taluk. The Land Acquisition Officer fixed the market value of the acquired land at Rs.10/- per cent. On a reference under Section 18, the learned Subordinate Judge Tiruvallur fixed the market value of the acquired land at Rs.400/- per cent.

2. It is brought to the notice of the court by the counsel for the appellant as well as the respondent that the earlier Division Bench of this Court in A.S.No.1018 of 1987, dated 20.02.2001, fixed the market value for the lands covered by the same Section 4(1) Notification, identical in all respects at Rs.110/- per cent. Following the same, the market value of the acquired lands covered in these two appeals have to be fixed at Rs.110/- per cent.

Counsel on either side represent that earlier judgment in A.S.No.1018 of 1987 dated 20.02.2001 squarely applies to the facts of the present appeals. In the circumstances, both the appeals are allowed in part fixing the market value of the acquired land at Rs.110/-



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per cent with usual solatium, interest on solatium and additional compensation payable under the provisions of the Act. No cost.”

5. The counsel on either side have categorically stated that the very same judgment would cover the facts of this case also, hence, the valuation fixed by the Division Bench at Rs.110/- per cent with usual solatium, interest on solatium and additional compensation and interest on the additional compensation under the provisions of the Land Acquisition Act may be granted.

6. In the light of the above submission of the counsel on either side, the appeals following the Division Bench Judgment made in A.S.No.1021 to A.S.No.1028 of 1995 are partly allowed reducing the value of the subject matter of lands from Rs.400/- per cent to Rs.110/- per cent. The decree and judgment passed by this court below is modified accordingly.”

Thus, as per the ratio laid down by this court as stated supra, these Appeal Suits are allowed by enhancing the value of subject matter of lands from Rs.75/- per cent to Rs.110/- per cent, solatium at 30% on the enhanced market value and additional amount under Sec.23(A) of L.A. Act at the rate



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of 12% per annum from the date of 4(1) Notification to the date of possession together with interest at the rate of 9% per annum for a period of 1 year from the date of possession and thereafter 15% per annum till date of payment on the market value + solatium + additional amount under Sec.23(A) of L.A.Act. Accordingly, the decree and judgment passed by the court below is modified. No costs.

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Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
rpp

To

Sub-Judge,
Tiruvallur.



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