



S.A(MD).No.289 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.(MD)No.289 of 2023
and C.M.P(MD)No.6448 of 2023

The Special Tahsildar,
Land Acquisition Officer (ADW),
Paramakudi,
Ramanathapuram District.

... Appellant/Respondent

Vs.

1.Karuppaiah (died)
2.Murugesan
3.Mallika
4.Sarasu
5.Pandiyan
6.Poongothai

... Respondent/Appellant

(RR2 to 6 are brought on record as legal heirs of the deceased sole respondent, vide court order dated 25.01.2018 made in C.M.P(MD)No. 10522 to 10524 of 2016 in S.A.(MD)SR.No.25204 of 2011 by SSSRJ).

Prayer : Second Appeal is filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 15.09.2009 in L.A.C.M.A. No.13 of 2001 on the file of the Sub Court, Paramakudi.

For Appellant : Mrs.S.Jeyapriya
Government Advocate

For R2 & R5 : Mr.Radhakrishnan



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J U D G M E N T

This Second Appeal has been filed challenging the judgment and decree of the Land Acquisition Tribunal namely, the Sub Court, Paramakudi dated 15.09.2009 passed in L.A.C.M.A.No.13 of 2001. The appellant/the Special Tahsildar, Land Acquisition Officer (ADW), Paramakudi, Ramanathapuram District, has challenged the valuation of the acquired lands by the Land Acquisition Tribunal while determining the compensation amount payable to the deceased first respondent in respect of the land acquired from them. The acquisition of the respondent's land is the subject matter of the 4(1) notification published in the Government Gazette on 20.12.2000.

2. The appellant has challenged the enhancement of compensation awarded by the Land Acquisition Tribunal based on the judgment and decree made in L.A.C.M.A.No.1 of 2002 on the ground that enhancement of compensation is excessive.

3. It is now brought to the notice of this Court by the learned counsel for the respondents 2 and 5 that the challenge to the judgment and decree of



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the Land Acquisition Tribunal in L.A.C.M.A.No.1 of 2002 made by the appellant has been rejected by this Court.

4. The said submission is not disputed by the learned Government Advocate appearing for the appellant and therefore, the compensation awarded by the Land Acquisition Tribunal in its judgment and decree passed in L.A.C.M.A.No.1 of 2002 has attained finality.

5. Further, the learned counsel appearing for the respondents 2 and 5 has placed before this Court the following two judgments rendered by learned single Judges of this Court:

- i) The judgment dated 04.04.2018 in S.A(MD)No.93 of 2004;
- ii) The judgment dated 28.01.2022 in S.A(MD)No.136 of 2013.

The aforementioned judgments pertain to the very same 4(1) notification in respect of another survey number, which has already been acquired. By producing the said judgments, the learned counsel for the respondents 2 and 5 would submit that the award of the Land Acquisition Tribunal was upheld by this Court. The same is also not disputed by the learned Government Advocate appearing for the appellant.



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6. Therefore, it is clear that there is no scope for setting aside the judgment and decree of the Land Acquisition Tribunal which is a subject matter of challenge in this Second Appeal.

7. For the foregoing reasons, there is no merit in this Second Appeal. There is no substantial question of law involved for further consideration by this Court under Section 100 C.P.C. All the contentions raised by the appellant in this Second Appeal have been duly considered by the Subordinate Court, Paramakudi, in accordance with law.

8. In fine, this Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2023

Index : Yes/No
Internet: Yes/No
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To



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1.The Sub Court, Paramakudi

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

ABDUL QUDDHOSE, J.



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