



A.S.No.896 of 2012

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	17.11.2023
Pronounced on	31.01.2024

CORAM

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

Appeal Suit.No.896 of 2012

1.K.S.Natarajan (Died)

2.N.Balasubramaniam

(2nd Appellant brought on record as LR's of the deceased sole appellant vide order of Court dated 19.12.2019 made in M.P.Nos.1 to 3 of 2012 in A.S.No.896 of 2012 (SMSJ))

....Appellants/Claimants

Vs.

1.Land Acquisition Officer and
Sub-Collector, Coimbatore

2. Senior Superintendent of Post Offices,
Coimbatore.

...Respondents/Referring Officer
and Requisitioning Officer

Prayer: First Appeal has been filed under section 54 of Land Acquisition



A.S.No.896 of 2012

Act against the Award and Decree dated 15.12.2004 and made in L.A.O.P.No.236 of 1990 on the file of the First Additional Subordinate Judge of Coimbatore.

For Appellants : Mr.Kandhan Duraisamy
For Respondents : Mr.T.Chandrasekaran
Special Government Pleader for R1
Mr.K.S.Jeyaganeshan for R2

J U D G M E N T

This appeal is preferred by the appellants/claimants against the award and decree dated 15.12.2004 made in L.A.O.P.No.236 of 1990 on the file of the first Addittional Subordinate Judge, Coimbatore.

2. An extent of land measuring 0.25 acres , situated in the village of Kalapatti (West) in the Taluk of Coimbatore (North) registration- sub-district of Gandhipuram, in the District of Coimbatore was acquired for construction of the Coimbatore Aerodrome Post Office and Quarters. The Land Acquisition Officer fixed the marked value at Rs.2000/- per cent. Reference was made under Section 18 of the Land Acquisition Act in LAOP.No.236 of 1990. Upon consideration of the evidence on record, the learned Sub Judge, Coimbatore awarded compensation at the rate of Rs.2000/- per cent. Being agrieved by the quantum of compensation, the



A.S.No.896 of 2012

appellants/claimants have preferred this appeal.

WEB COPY

3. According to the learned counsel appearing for the appellants, the learned Sub Judge erroneously fixed the compensation of Rs.2000/- instead of Rs.10,000/- per cent and went wrong in observing that the claim of the appellants before the Collector was only Rs.2000/- per cent, whereas the claim of the Appellants before the Collector was Rs.25,000/- per cent. It is also submitted that the learned Sub Judge erroneously rejected the documents produced on the side of the appellants in support of the claim and went wrong in holding that the documents relied upon by the appellants related to earlier period. Hence, prays for fixing the market value at the rate of Rs.10,000/- per cent.

4. When the appeal is heard, it was submitted that for the lands acquired in the same village i.e in Kallapatti village for the construction of houses by the Tamil Nadu Housing Board, Coimbatore Unit, the Division Bench of this Court in A.S.No.771 of 2005 referring to the Judgment passed by the Division Bench of this Court in A.S.No.695 of 2005 dated 23.12.2009 reduced the marked value of the acquired lands to Rs.6,670 per cent with 30% solatium. The said judgment reads as follows:-



"In view of the above judgment of the Division Bench,

WEB COPY *this appeal is also partly allowed as indicated below:*

(a) The land value in the appeal is fixed at Rs.6,670/- per cent with 30% solatium;

(b) Time for deposit is three months from the date of receipt of a copy of this judgment;

(c) The claimant is entitled to an additional amount of 125 per annum from the date of 4 (1) Notification till the date of Award of the Referring Officer or taking possession of the land, whichever is earlier;

(d) The claimant is entitled to 5% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated es market value till the date of deposit;

(e) Any excess amount deposited, after satisfying the above Award, is permitted to be withdrawn by the first appellant;

(f) The learned Special Government Pleader (AS) and the learned Standing counsel appearing for the Tamil Nadu Housing Board shall be entitled to separate fees for the appeals;"

5. Both the learned counsel for the appellants as well as the learned counsels for the respondents submitted that the same market value of Rs.6,670 per cent may be fixed as the market value for the lands acquired in the present case.



A.S.No.896 of 2012

WEB COPY

6. Therefore, in view of the above judgment of the Division Bench, this appeal is also partly allowed as indicated above:

(a) The land value in the appeal is fixed at Rs.6,670/- per cent with 30% solatium;

(b) Time for deposit is three months from the date of receipt of a copy of this judgment;

(c) The claimant is entitled to an additional amount of 12% per annum from the date of 4 (1) Notification till the date of Award of the Referring Officer or taking possession of the land, whichever is earlier;

(d) The claimant is entitled to 5% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposit;

(e) Any excess amount deposited, after satisfying the above Award, is permitted to be withdrawn by the second respondent;

(f) The learned Special Government Pleader and the learned Standing counsel appearing for the Postal Department shall be entitled to separate fees for the appeals;

7. There is no order as to costs.



WEB COPY



A.S.No.896 of 2012

31.01.2024

mac/vsn
Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

The I- Additional Subordinate Court, Coimbatore

K.GOVINDARAJAN THILAKAVADI, J.

mac



WEB COPY



A.S.No.896 of 2012

PRE- DELIVERY JUDGEMENT MADE IN

Appeal Suit.No.896 of 2012

31.01.2024