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A.S.No.396 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 27.09.2024

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

A.S.No.396 of 2021

M/s. Chennai Petroleum Corporation Ltd
536, Anna Salai,
Teynampet,
Chennai - 6000 018.

...Appellant

Vs.

1. Indira

2. The Special Tahsildar (L.A)
MRL Now CPCL
Aromatic Complex,
Saidapet,
Chennai - 600 015.

...Respondents

PRAYER: Appeal Suit filed under Section 54 of Land Acquisition Act setting aside the Impugned Order and decree dated 02.11.2018 in LAOP No.614 of 1998.

For Appellant : S.S.Arjun

For R1 : M/s.M.Malarvizhi

For R2 : Mr.T.Arun Kumar
Additional Government Pleader



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JUDGMENT

Appeal Suit is filed under Section 54 of Land Acquisition Act to set aside the Impugned Order and decree dated 02.11.2018 in LAOP No.614 of 1998 on the file of the learned Sub Judge, Ponneri.

2. The learned Counsel for the Appellant submits that the learned Sub Judge, Ponneri had fixed the value of the property, based on an earlier order in fixing the value of the property at a different village, Vallur (land acquired for Super Thermal Station, North Madras) whereas these are the lands acquired for Chennai Petroleum Corporation Ltd. 0.23 hectares alone allotted to the Respondents. For 0.58 hectares alone, the Plaintiff is the beneficiary whereas the land acquired were 0.81 hectares from the land losers/ Respondents in the Appeal.

3. It is his further submission that the learned Judge had pronounced the order and becomes *functus officio*. Therefore, it is better that the matter may be remanded back with a direction to dispose of the matter afresh with the same materials available, after hearing both the parties within reasonable



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4. The learned Counsel for the Respondent submitted that because of the error committed by the Court, the land losers are suffering. Till date, they had not received the money. The learned Counsel for the Respondent also refers the order passed by this Court in W.P.No.10708 of 2021.

5. In the light of the above submission made by the learned Counsel on both sides, this Appeal is disposed of and the matter is remanded back to the file of the learned Sub Judge, Ponneri, with a direction to dispose of the matter afresh with the same materials available, after hearing both the parties within reasonable period of two months from the date of receipt of copy of this judgment.

27.09.2024

Shl
Index : Yes/No
Speaking/Non-speaking order

SATHI KUMAR SUKUMARA KURUP, J.

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To:

1. The Sub Judge,
Ponneri.
2. The Section Officer,
V.R.Section,
High Court of Madras.

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