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A.S.No.466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 29.08.2024

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

A.S.No.466 of 2024 and
C.M.P.No.15377 of 2024

The Special Tahsildar
Land Acquisition Unit-1
Outer Ring Road Project Phase-1
Chennai Metropolitan Development Authority,
Egmore, Chennai - 8
now having office
at K.M.M.C. Building
Koyambedu Market
Koyambedu
Chennai 600 092.

... Appellant

Vs.

1. E. Jagannathan

2. The Member Secretary
Chennai Metropolitan Development Authority
Egmore
Chennai 600 008.

...Respondents

PRAYER: Appeal Suit filed under Section 54 of Land Acquisition Act against the judgment and decree of the Sub Court, Kancheepuram in LAOP No.9 of 2015 dated 10.10.2017.



A.S.No.466 of 2024

WEB COPY

For Appellant : M/s. T.Arunkumar
Additional Government Pleader
For R1 : M/s. J.Ram
For R2 : M/s. P. Veena Suresh

JUDGMENT

The Appeal suit has been filed against the judgment and decree of the Sub Court, Kancheepuram in LAOP No.9 of 2015 dated 10.10.2017.

2. The learned Additional Government Pleader (Land acquisition) furnished the proceedings of the Member Secretary, Chennai Metropolitan Development Authority, Egmore, Chennai 600 008 which is based on the earlier judgment of this Court in A.S.No.521 of 2018, A.S.Nos.195, 73, 926, 99 of 2019 batch cases. Also he had furnished the copy of the judgment along with a memo.

3. The learned Counsel for the Respondent-1 submitted that earlier in the Appeal in A.S.No.521 of 2018, when the case came up for hearing, the learned Judge had observed that in the year 2011, few Appeals were disposed of whereby the reference Court had enhanced the compensation



A.S.No.466 of 2024

amount to Rs.8,110/- per cent against which the Government had filed Appeal.

4. In the Appeal, in the batch of cases in the year 2011, the Hon'ble Court had reduced the value for the land acquired by the Government from Rs.8,110/- to Rs.5,000/- per cent and subsequently the same was directed to be issued to the land losers without delay. Subsequently when the batch of cases came up for hearing before another Bench in the year 2018, the learned Judge had observed in the order that the batch concerning the same acquisition cases of the same Village to be tagged without delay so that the land losers receive the compensation amount without much delay and the learned Judge had observed in Para 7 of the judgment as follows:

"This being the factum, the appeal suits are to be allowed in part. Accordingly, the compensation ordered by the Reference Court is modified and it is hereby directed that the land losers/claimants are entitled to get a sum of Rs.5,000/- per cent towards the compensation for the lands acquired, together with the other statutory payments viz., 30% solatium and interest at 12% per annum on solatium and all other statutory benefits, for which, the land losers/claimants are entitled as per law. The appellant is directed to calculate the compensation as directed in this judgment and pay the same to the land losers/claimants directly within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the appeal suits are allowed in part and cross



WEB COPY



A.S.No.466 of 2024

objections stand dismissed. No costs. Consequently connected miscellaneous petitions are closed."

5. In the light of the observation of the learned Judge of this Court in a batch of cases in **A.S.No.521 of 2018 and etc., dated 03.01.2020** and in the light of the proceedings of the Member Secretary, Chennai Metropolitan Development Authority, Egmore, Chennai in **Rc.09/2019/A1/ORR/Unit-1 dated 16.06.2020**, this Appeal is disposed of. No costs.

6. In the light of the request made by the learned Counsel for the first Respondent, the Appellant is directed to release the amount to the land losers who had lost their land in the year 2001, without any delay. The Appellant is directed to release the amount within a reasonable period of one or two months from the date of the order of this Court. Consequently connected miscellaneous petition is closed.

29.08.2024

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Index : Yes/No
Speaking/Non-speaking order

Page 4 of 6



A.S.No.466 of 2024

WEB COPY

To

1. The Sub Court,
Kancheepuram.



WEB COPY



A.S.No.466 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

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