



Rev.Appl.No.65 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Pronounced on : 21-12-2024

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CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Review Application No. 65 of 2020

U. Kalidoss

.. Review Applicant

Versus

1. Special Tahsildar (Land Acquisition Officer)
CMDA, Chennai - 8.

2. Chennai Metropolitan Development Authority,
Represented by Chief Executive Officer

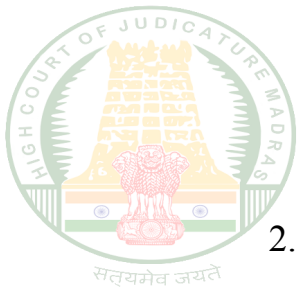
...Respondents

Review Application is filed under Order 47 r/w.114 of C.P.C to review the judgment and decree dated 03.08.2012 made in A.S. No. 171 of 2012 on the file of this Court.

For Review Applicant	:	Mr. K. Padmanabhan
For R1	:	Mr. T. Chandrasekaran Special Government Pleader
For R2	:	Mrs. P. Veena Suresh Standing Counsel (CMDA)

ORDER

The Review Application is filed to review the judgment and decree dated 03.08.2012 made in Appeal Suit No. 171 of 2012.



2. The Review Applicant had filed A.S. No. 171 of 2012 before this

Court, challenging the order dated 29.12.2008 made in LAOP No. 6 of 2005 on the file of the VI Assistant Judge, City Civil Court, Chennai.

3. The Review Applicant is one of the land owners, whose lands were acquired for the purpose of establishment of Koyambedu Wholesale Market Complex at Koyambedu. In this regard, a notification under Section 4 (1) of the Land Acquisition Act (Central Act) 1987 was published on 25.09.2001. After complying with the formalities and upon considering the statistical statement for the period from 31.08.1998 to 24.09.2001, the Land Acquisition Officer fixed the market value at Rs.407/- per sq. ft.. Accordingly, an award dated 31.05.2004 was passed in award No. 1 of 2004 fixing the market value of the land at Rs.407/- per sq. ft. Objecting to the award, *inter alia* the fixation of the market value of the land, the Review Applicant and other land owners sought for a reference to the competent Court for determination of the correct market value. Accordingly, the Reference Officer referred the matter under Section 18 of the Land Acquisition Act to the learned VI Assistant Judge, City Civil Court, Chennai. The said Court, by a common Judgment and Decree dated 29.12.2008 passed in LAOP Nos. 1 to 6, 8 to 16 and 18 to 22 of 2005 enhanced the compensation to Rs.825/- per sq. ft.

4. Challenging the Judgment and Decree dated 29.12.2008 passed in



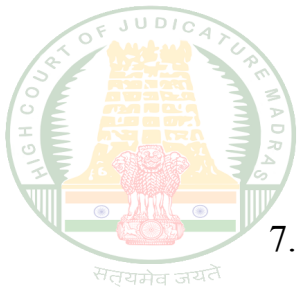
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LAOP Nos. 1 to 6, 8 to 16 and 18 to 22 of 2005, some land owners preferred Appeal Suits of the year 2009 and 2010 viz., A.S.Nos. 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 773, 777 of 2009, 7, 706 and 707 of 2010. Wherein the Single Judge of this Court by common order dated 26.08.2010 fixed the compensation amount at Rs.1,100/- per sq. ft. As against the said orders Review Petitions came to be filed in the year 2017 as there was error apparent on the face of the record wherein Ex.C-1 to Ex.C-5 reflecting the value of the lands at Rs.2,000/- per sq. ft., were omitted to be considered, Review Petitions were allowed by order dated 21.06.2017 by the learned Single Judge of this Court, enhancing the compensation amount to Rs.2,000/- per sq. ft.

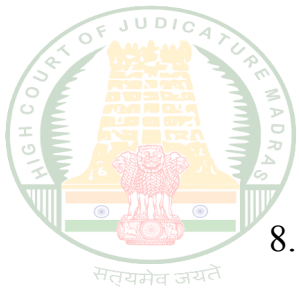
5. As far as the present Review Applicant is concerned, he has filed A.S. No. 171 of 2012 before this Court. This Court, following the judgment rendered by the Division Bench of this Court in A.S. No. 740 of 2010 enhanced the compensation to Rs.1,260/- per sq. ft.

6. Seeking to review the Judgment and Decree passed in A.S. No. 171 of 2012, the Review Applicant has come forward with the present Review Application.



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7. The Review Application has been filed on the ground that under Ex.C-1 to Ex.C-5 and Ex.C-7 marked before the Reference Court, which have come into existence much before the notification issued under Section 4 (1) of the Act, the value of the land was indicated as Rs.2,000/- per square feet, but it was omitted to be taken note of by the Reference Court as well as this Court while allowing A.S.No.171 of 2012 and that the said order had to be reviewed fixing the compensation amount at Rs.2,000/- per sq. ft. in consonance with the orders passed in the other appeals and the review applications thereof. As appeal suits and the review applications were not decided at the same time discrepancies arose with regard to some land owners who restricted their claim to Rs.1,100/- per sq. ft. In one such case where the land owner restricted his claim to Rs.1,100/- per sq. ft. and who got the order reviewed to Rs.1,264/- approached the Hon'ble Supreme Court of India in Civil Appeal Nos. 7705 to 7706 of 2019 wherein the claim of the Appellants therein was to get the compensation fixed at Rs.2,000/- per sq. ft. on par with other cases. The Honourable Supreme Court, by an order dated 30.09.2019 allowed the Civil Appeals and enhanced the compensation to Rs.2,000/- per square feet. Therefore, on the basis of the order dated 30.09.2019 passed in Civil Appeal Nos. 7705 to 7706 of 2019, this Review Application also has to be allowed and the compensation has to be enhanced.



8. Heard the learned counsel appearing for the Review Applicant, learned Special Government Pleader appearing for the first respondent and the learned Standing counsel for the second respondent and perused the materials placed on record.

9. Admittedly, when the Judgment and Decree dated 03.08.2012 in A.S. No. 171 of 2012 was passed, this Court, based on the Judgment passed by the Division Bench of this Court, enhanced the compensation to Rs.1,260/- per sq. ft. However, in some appeals orders were reviewed in the year 2017 enhancing the compensation to Rs.2,000/- per sq. ft. followed by the order of the Honourable Supreme Court dated 30.09.2019 in Civil Appeal Nos. 7705 to 7706 of 2019.

10. It is seen from the records that as against the order passed by this Court in Review Application No. 64 of 2016 (*K.N. Sampath vs. Special Tahsildhar, Land Acquisition Officer and another*), the Hon'ble Supreme Court, in Civil Appeal Nos. 7705 to 7706 of 2019 set aside the order passed by this Court and allowed the Civil Appeals. The relevant portion of the order dated 30th September 2019 reads thus:-

"The delay in the present appeals which has been quite large, has further been condoned while issuing notice. The question thus, is what is the ramification of the same as learned



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counsel for the respondents contends that the appellants should not be permitted to ride piggy back on the aforesaid decisions even though the special leave petition against the orders on review in the order matters has also been dismissed.

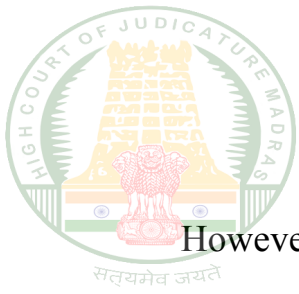
We are unable to persuade ourselves to agree with the contention of learned counsel for the respondent. The delay in approaching this Court can be dealt with by depriving the interest on the enhanced compensation amount and other benefits to the appellants for the period of delay.

We may note that in such acquisition proceedings albeit for public purpose, valuable constitutional right under Article 300A of the Constitution is taken away by legislative enactment. Thus, a liberal approach has to be adopted to ensure that there is no discrimination inter se the parties and merely because one set of review applications came to be decided earlier by the High Court while another came to be decided later on with the common thread which is present as that all of them had demanded lesser compensation, should not itself disentitle the appellants to the same relief subject to the aforesaid.

We thus modify the impugned orders and grant the same compensation of Rs.2,000/- per square feet to the appellants with all statutory benefits except that the interest for the period of delay will not be admissible for the appellants.

The appeal is accordingly allowed leaving the parties to bear their own costs.”

11. In the light of the above decision of the Honourable Supreme Court, dated 30th September 2019, passed in Civil Appeal Nos. 7705 to 7706 of 2019, which was passed subsequent to the Judgment and Decree dated 03.08.2012 made in A.S. No. 171 of 2012, the Judgment and Decree dated 03.08.2012 passed in A.S. No. 171 of 2012 are reviewed by holding that the Review Applicant is entitled for compensation of Rs.2,000/- per square feet.



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However, in the present case, as the Applicant has approached this Court with delay of 1685 days in filing the above review, he is not entitled to the interest with regard to the enhanced compensation for the period of delay.

12. In the light of the above discussion, the above **Review Application is allowed** and the compensation fixed at Rs.1,260/- per sq. ft. is enhanced to Rs.2,000/- per sq. ft. with all statutory benefits except interest on the enhanced compensation for the period of delay and the compensation amount is to be disbursed to the review petitioner within a period of 12 weeks from the date of receipt of copy of the order. No costs.

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Index : Yes/No

Speaking/Non-speaking order

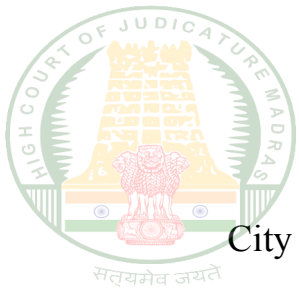
SATHI KUMAR SUKUMARA KURUP, J.,

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To

1. The VI Assistant Judge,

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City Civil Court

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2. The Special Tahsildar (Land Acquisition Officer),
CMDA, Chennai-8.
3. The Chennai Metropolitan Development Authority,
Represented by
Chief Executive Officer
4. M/s. P.Veena Suresh
CMDA – Standing Counsel SR.101999
5. The Section Officer
V.R. Records,
High Court of Madras.

Pre-Delivery Order in
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