

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 03.10.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****S.A.(MD).No.920 of 2014 and**
M.P.(MD)No.2 of 2014

The Special Tahsildar,
(Land Acquisition),
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Appellant / Respondent

Vs.

Chennai

... Respondent/ Appellant

PRAYER : Second appeal filed under Section 13 of Tamil Nadu Land Acquisition for Harijan Welfare Act, 1978, to set aside the judgment and decree dated 31.10.2008 made in C.M.A.No.3 of 1999 on the file of the Principal Sub Court, Dindigul by allowing this second appeal.

For Appellant : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.R.Ragavendran,
Government Advocate.

For Respondent : Mr.C.Deepak



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JUDGMENT

Heard the learned Additional Advocate General assisted by the learned Government Advocate appearing for the appellant and the learned counsel appearing for the respondent.

2. This second appeal arises out of a common judgment and decree in C.M.A.Nos.3 of 1999, 5 of 1999, 6 of 1999, 7 of 1999, 8 of 1999, 9 of 1999 and 10 of 1999 on the file of the Principal Sub Court, Dindigul.

3. The land acquisition proceedings were initiated under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 in respect of the lands situated at Jambukaraikottai Village for the purpose of issuing free house site pattas to the landless Adi Dravadar community people. Enquiry notice was issued on 30.05.1998. The authorities endeavoured to acquire the lands by consent. Since it was not possible, proposal was sent on 18.06.1998 seeking approval for 4(1) notification. Approval was granted and gazette notification was published on 17.08.1998. Enquiry under Section 5(1) of the Act was held on



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24.11.1998. The award was passed on 25.11.1998 and the land acquisition officer fixed compensation @ Rs.266/- per cent. Not satisfied with the quantum of award, the petitioner and the other land owners filed appeals before the Principal Sub Court, Dindigul. A common order was passed on 31.10.2008 enhancing the compensation by fixing the land value @ Rs.2,000/- per cent. In other words, the rate of Rs.266/- was enhanced to Rs.2,000/- per cent. Questioning the same, this second appeal has been filed.

4. As already noted, a common order was passed on 31.10.2008 by the Principal Sub Court, Dindigul by enhancing the compensation payable to the land owners. I wanted to know if appeals have been preferred against the other CMAs. The answer is in the negative. It appears that the second appeal was preferred only as against the order made C.M.A.No.3 of 1999. Such a course of action is not permissible. There were a number of land owners and all of them preferred appeals before the Sub Court and a common order was passed. If there were six appeals, then there must be corresponding number of second appeals. A solitary appeal cannot be maintained as against order in one CMA alone.



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This second appeal is not maintainable. It is accordingly dismissed. No costs. Consequently, Consequently, connected miscellaneous petition is closed.

03.10.2024

Index : yes/No
Internet: Yes/No
PMU

To

1. The Principal Sub Judge,
Dindigul.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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5

S.A.(MD)No.920 of 2014

G.R.SWAMINATHAN,J.

PMU

S.A.(MD)No.920 of 2014

03.10.2024