



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

A.S.No.101 of 2025 and CMP No.2216 of 2025

and

A.S.No.103 of 2025 and CMP Nos.2223, 2224 and 9625 of 2025

and

A.S.No.105 of 2025 and CMP Nos.2234, 2236 and 9634 of 2025

and

A.S.No.107 of 2025 and CMP Nos.2242, 2243 and 9639 of 2025

In A.S.No.101 of 2025

The Special Tahsildar (LA) Unit-VI,
O.R.R.Project, CMDA, Koyembedu,
Chennai-92.

... Appellant

Vs.

1. C.Lalitha, W/o Chandran

2. V.Radha, W/o Venkatesan

3. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

... Respondents



In A.S.No.103 of 2025

The Special Tahsildar (LA) Unit-VI,
O.R.R.Project, CMDA, Koyembedu,
Chennai-92.

... Appellant

Vs.

1. Sharmila, W/o Chandrasekar

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

... Respondents

In A.S.No.105 of 2025

The Special Tahsildar (LA) Unit-VI,
O.R.R.Project, CMDA, Koyembedu,
Chennai-92.

... Appellant

Vs.

Rose Chettiyar (died)

1.Parvatha Kalyani, W/o Rose Chettiyar (died)

2. Jaisankar, S/o Rose Chettiyar (died)

3. Janakiraman, S/o Rose Chettiyar (died)

4. Hari, S/o Rose Chettiyar (died)
(Respondents 1 to 3 are impleaded as per
order in I.A.No.01 of 2022, dated 08.11.2022)

5. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

... Respondents



In A.S.No.107 of 2025

The Special Tahsildar (LA) Unit-VI,
O.R.R.Project, CMDA, Koyembedu,
Chennai-92.

... Appellant

Vs.

- Sundarajan (died)
- 1.Susila, W/o Sundararajan (died)
 2. Ramesh, S/o Sundararajan (died)
 3. Suresh, S/o Sundararajan (died)
 4. Sathish, S/o Sundararajan (died)
 5. Sureka, D/o Sundararajan (died)
(Respondents 1 to 5 are impleaded as per
order in I.A.No.01 of 2022 dated 08.11.2022.)
 6. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

... Respondents

PRAYER in A.S.No.101 of 2025: Appeal suit filed under Section 54 of the Land Acquisition Act, 1894 to set aside the judgment and decree passed in LAOP No.21 of 2015 dated 29.04.2024 on the file of the Principal Subordinate Judge, Ponneri.



PRAYER in A.S.No.103 of 2025: Appeal suit filed under Section 54 of the Land Acquisition Act, 1894 to set aside the judgment and decree passed in LAOP No.32 of 2015 dated 29.04.2024 on the file of the Principal Subordinate Judge, Ponneri.

PRAYER in A.S.No.105 of 2025: Appeal suit filed under Section 54 of the Land Acquisition Act, 1894 to set aside the judgment and decree passed in LAOP No.30 of 2015 dated 29.04.2024 on the file of the Principal Subordinate Judge, Ponneri.

PRAYER in A.S.No.107 of 2025: Appeal suit filed under Section 54 of the Land Acquisition Act, 1894 to set aside the judgment and decree passed in LAOP No.26 of 2015 dated 29.04.2024 on the file of the Principal Subordinate Judge, Ponneri.

In all Appeal Suits

For Appellant(s): Mrs.R.Anitha,
Special Government Pleader

For Respondent(s): Mr. V.Ajoy Khose
for R1 and R2 in A.S.No.101 of 2025
for R1 in A.S.No.103 of 2025
for R1 to R3 in A.S.No.105 of 2025 and
for R1 to R5 in A.S.No.107 of 2025



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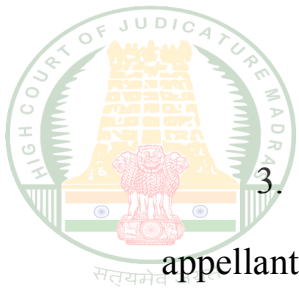
Mr.Athil Akbar Ali
for R3 in A.S.No.101 of 2025
for R2 in A.S.No.103 of 2025
for R5 in A.S.No.105 of 2025
for R6 in A.S.No.107 of 2025

COMMON JUDGMENT

(Order of the Court was made by *M.JOTHIRAMAN, J.*)

All the appeal suits are filed by the Special Tahsildar, (LA), O.R.R. Project, CMDA, Chennai, challenging the common order passed by the learned Principal Subordinate Judge, Land Acquisition Tribunal, Ponneri in LAOP Nos.21, 26, 30 and 32 of 2015 dated 29.04.2024, enhancing the compensation amount for the acquired lands of the claimants thereon to Rs.2,23,813/- per cent along with 30% solatium and other benefits.

2. The subject matters of the lands in Minjur Village, owned and possessed by the claimants were acquired by the Government for forming Outer Ring Road Project. Subsequently, the Land Acquisition Officer had fixed the compensation amount for the acquired lands at Rs.66,956.88 per cent with solatium of 30% and other interests. Challenging the said Award, the claimants had approached the Land Acquisition Tribunal to enhance the compensation amount and the Tribunal had enhanced the said compensation to Rs. 2,23,813/- per cent along with 30% solatium and other benefits. Now, the said orders are under challenge in the present appeals.



3. Heard the learned Special Government Pleader appearing for the appellant and the learned counsel appearing for the respondents.

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4. The counsel appearing on either side drew the attention of this court to the common judgment passed by a ***Division Bench of this court in A.S.Nos.751 of 2018 etc. batch, dated 11.10.2023.*** The above said appeals were filed by the Special Tahsildar, (LA), outer Ring Road Project, CMDA, as against the Awards passed by the Sub Court, Ponneri in several land acquisitions original petitions. In the said appeals, the Division Bench of this Court has fixed the compensation for the acquired lands at Rs.2,23,813/- per cent. It is also submitted by the learned counsel on either side that, challenging the above said common judgment in A.S.No.776 of 2018, dated 11.10.2023, the Special Tahsildar (LA), CMDA had filed an appeal before the Hon'ble Supreme Court in Special Leave petition (Civil) Diary No(s).20002/2025 and the same was dismissed on 23.05.2025, confirming the order passed by the Division Bench of this High Court.

5. At this juncture, it is necessary to extract the relevant portion of the above said common Judgment in A.S.No.751 of 2018, etc. batch dated 11.10.2023.

" 2. In respect of the lands subject matter of these appeals, 4(1) notifications were made on 12.04.2012 and 30.07.2012. Award Nos.1 to 7



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were passed on 31.10.2013, 12.12.2013, 27.12.2013 and 30.12.2013. The Land Acquisition Officer, relied upon the sale deed, which was produced as Ex.R1 and fixed the value per cent at Rs.65,378/-, Rs.65,708/-and at Rs.66,956/- for the lands that were under aquisition. The Land Acquisition officer also awarded statutory benefits that were available to the land owners under Act 1 of 1894. Aggrieved, the land owners sought for the reference under Section 18 of the Land Acquisition Act, 1894. The references were made to the Sub-Court, Ponneri.

3.Before the learned Sub-ordinate Judge, the land owners produced Ex.C1, sale deed under which, an extent of 1150 Sq.ft., of land was sold at Rs.5,39,000/- on 29.03.2012, which is prior to the 4(1) notification. The acquiring Authority, relied upon the Ex.R1, sale deed dated 25.08.2011 wherein, the extent of 1,175 Sq.ft., land was sold for Rs.1,80,114/-. While Ex.R1 related to Survey No.145, Ex.C1 related to Survey No.441 of the same village.

4.The learned Sub-ordinate Judge, relied upon the judgment of the Hon'ble Supreme Court in **Saush & Others Vs. State of U.P. & Others** reported in **2009 (9-10) SBR 307** wherein, it was held that when comparable exemplars are brought on record, one carrying highest market value amongst them should be taken into account by the Court to fix the compensation and concluded that Ex.C1, which reflects the highest value and which is more nearer to the date of the 4(1) notification should be accepted despite the fact that the lands covered by Ex.C1 were situate a little farther away. Taking the vaue reflected in Ex.C1 as the basis, the



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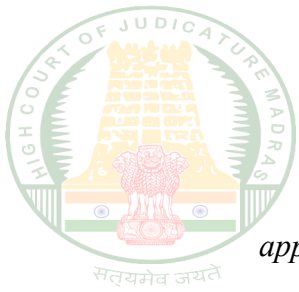
learned Sub-ordinate Judge deducted a sum of Rs.10,000/- and fixed the compensation payable at Rs.2,13,813/- per cent.

5.The learned Sub-ordinate Judge however, granted solatium at 100% and enhanced compensation as per the provisions of the Right to Fair Compensation Act, 2013 and thus, awarded nearly a sum of Rs.6,40,000/- per cent including solatium. Aggrieved, the Acquiring Authority namely, the Special Tahsildhar is on appeal.

6.We have heard Mr.T.Chandrasekaran, learned Special Government Pleader, appearing for the appellants and Mr.P.Kumaresan, learned Additional Advocate General appearing for the 2nd respondent and Mr.S.Krishnaswamy, learned counsel for the land owners.

7.Mr.T.Chandrasekaran, learned counsel for the appellants would vehemently contend that since the awards were passed prior to 01.01.2014 namely, the date on which, the new Act came into force under Section 24 of the 2013 Act, the proceedings will have to be continued under the 1894 Act and there is no scope for the Court, awarding compensation as per the new Act. Drawing our attention to Section 24(1)A, the learned Special Government Pleader would submit that the Trial Court erred in granting double the market value with 100% solatium as per the provisions of the 2013 Act.

8.Mr.R.Krishnaswamy, learned counsel for the land owners is unable to support the reasoning of the Trial Court in granting solatium and other benefits under the 2013 Act.



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9.Mr.P.Kumaresan, learned Additional Advocate General appearing for the CMDA would submit that the land covered by Ex.R1 situate within 1.6 Kilometres from the acquired land. A perusal of Ex.R2/ Map produced by CMDA before the Trial Court shows that a portion of Survey No.441 , covered by Ex.C1 also falls within the 1.6 kilometres radius. More over, the land acquisition being one for road, the exact location from where 1.6 kilometres radius has to be measured itself is in doubt. Therefore, we are unable to accept the technical objection made by the learned Additional Advocate General based on the map produced before the Trial Court.

10.We find that Survey No.441, in which, the land covered by Ex.C1 is within 1.6 kilometers from the Eastern most extremity of the proposed outer ring road. It may be little farther away, if the measurement is taken from the Western side of the outer ring road. Even the plan which has been produced by the CMDA shows that a portion of Survey No.441 falls within the 1.6 kilometers from the Western most extremity of the outer ring road. Therefore, we are unable to fault the Trial Court for accepting Ex.C1 based on the settled law that a land owner would be entitled to the highest value among the exemplars produced. This position of law has been reiterated by the Hon'ble Supreme Court in **Mehrawal Kheaji Trust Vs. State of Punjab** reported in 2012(4)LW109 and a Division Bench of this Court in **The Special Thasildar, Land Acquisition Outer Ring Road Project -Vs- Palin Reshma Jacob & another made ih A.S.Nos:574 to 583 of 2011 Batch dated 31-08-2015.**



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11.If we are to calculate the value per cent based on Ex.C1, it comes to Rs.2,23,813/-. The deduction made by the Sub-Court is not sustainable in as much as this Court in several cases relating to the very same outer ring proceedings particularly in **Palin Reshma Jacob referred to supra**, which dealt with the very same Outer ring Road project had held that no developmental charges could be deducted, since the acquisition is for the purposes of laying road. Hence, the deduction of Rs.10,000/- applied by the learned Sub-ordinate Judge will have to be set aside. Apart from deducting Rs.10,000/-, the learned Sub-ordinate Judge had applied the provisions of the 2013 Act and had doubled the compensation granted at Rs.2,13,000/- and added another 100% towards solatium taking the compensation awarded to Rs.6,39,000/- (Rs.4,26,000/- + Rs.2,13,000/-). Such calculation cannot be sustained. The learned Trial Judge was not justified in granting compensation as per the provisions of the 2013 Act, since the awards had not passed prior to 01.01.2014, the date on which, the 2013 Act came into force.

12.Hence, all these appeals are **allowed in part, the compensation is fixed at Rs.2,23,813/- per cent**. Needless to state that the land owners will be entitled to statutory benefits namely, 30% solatium, additional amount payable under Section 23(1-A) along with interest at 9% for the first one year from the date of taking possession and 15% thereafter till date of payment. The amounts remaining in the Court will be paid over to the land owners. No costs. "



6. In the present case on hand, the learned Principal Subordinate Judge also fixed the compensation amount for the acquired lands at Rs.2,23,813/- per cent and other statutory benefits, based on the judgment dated 8.11.2023 passed by this court in A.S.No.698 of 2018 as against the connected LAOP No.490/2015. In such circumstances, we are of the considered opinion that the present appeals on hand are covered by the ratio laid down by the Hon'ble Supreme Court in SLP (Civil) Diary No(s).20002/2025, dated 23.05.2025, confirming the order passed by the Division Bench of this Court in A.S.No.776/2018, dated 11.10.2023 (A.S.Nos.751/2018 etc.batch). Therefore, we are not inclined to interfere with the orders passed by the Land Acquisition Tribunal and hence, the present appeals are liable to be dismissed.

7. Accordingly, all the appeal suits are dismissed and the impugned orders passed by the learned Principal Subordinate Judge, Land Acquisition Tribunal are confirmed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

(J.N.B.J.) (M.J.R.J.)

17.06.2025

Note: Issue Order copy on 24.06.2025.

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To

1. C. Lalitha

W/o. Chandran, Res. at No.62, 2nd Street, Kakkan Nagar,
Minjur -203.

2. V Radha

residing at No.33, 3rd Street, Kakkan Nagar Minjur - 601 203.

3.SHARMILA

W/o. Chandrasekar, Res. at No. 37, Anna Nagar,
Mounthambedu, Neithavoyal Panchayat, Ponneri Taluk.

4. Parvatha Kalyani

W/o. Rose Chettiyar (Died) , No. 9, Ramareddypalayam 1st
Street, Minjur 601 203 ROSE CHETTIYAR (DIED)

5. JAISANKAR

residing at Lakshmipuram, Ramareddypalayam Village, 2nd
Colony 2nd Street, Minjur -601 203.

6. JANAKIRAMAN

S/o. Rose Chettiyar (Died),
No. 9, Ramareddypalayam 1st Street, Minjur 601 203

7. Hari, S/o. Rose Chettiyar (Died)

Lakshmipuram, Ramareddypalayam, Village, 2nd Street, Minjur 601 203

8..Susila, W/o.Sundararajan (died),

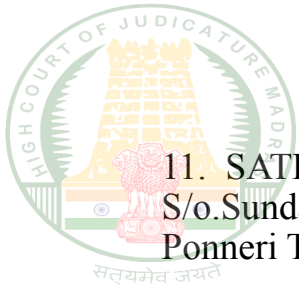
Residing at No.87, 3rd Street, Kakanji Colony, Minjur
Ponneri Tk., Tiruvallur Dist.

9. RAMESH

S/o.Sundararajan (died), Residing at No.87, 3rd Street,
Kakanji Colony, Minjur Ponneri Tk., Tiruvallur Dist.

10. SURESH

S/o.Sundararajan (died), Residing at No.87, 3rd Street,
Kakanji Colony, Minjur Ponneri Tk., Tiruvallur Dist.



11. SATHISH

S/o.Sundararajan(died), Residing at No.87, 3rd Street, Kakanji Colony, Minjur Ponneri Tk., Tiruvallur Dist.

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D/o.Sundararajan(died), Residing at No.87, 3rd Street, Kakanji Colony, Minjur Ponneri Tk., Tiruvallur Dist.

13. The Member Secretary
Chennai Metropolitan Development Authority,
Egmore, Chennai - 8.



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A.S.Nos.101, 103, 105 & 107 of 2025



J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.

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A.S.Nos.101,103, 105 and 107 of 2025

17-06-2025