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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED: 08.04.2025

PRONOUNCED: .04.2025

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THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Review Application No.28 of 2025

in

A.S No.387 of 2016

Fathima Gani

...Applicant/Appellant

Vs.

1.The Union of India

rep. by

The Secretary to Govt.(Revenue)

Pondicherry

2.Dy.Collector (Revenue) CUM

The Land Acquisition Officer

Karaikal.

...Respondents/Respondents

Prayer:- Review Application filed under Section 114 r/w Order 47 Rule 1 of CPC to review the judgment and decree passed in A.S No.387 of 2016 dated 08.12.2021 and recall the same and restore A.S No.387 of 2016 on the file for hearing and disposal in accordance with law.

For Applicant : Mr.R.Natarajan

For Respondents : Mrs.G.Djearany
Government Advocate, Puducherry

**ORDER**

WEB COPY The appellant in A.S No.387 of 2016 has filed this review application for reviewing the judgment and decree dated 08.12.2021 made in the above first appeal.

2. The learned counsel for the applicant contended that the lands comprised in R.S No.176/2/C/1, 176/2/C/3 and R.S No.172/3/A belonged to the applicant/appellant have been acquired for establishment of port at Karaikal and the same has been classified as "Used for Prawn Culture" and the award passed by the 2nd respondent in Award No.8729/B1/2019 on 05.02.2010 is marked as Ex.R1. Dissatisfying with the award passed by the reference court by fixing Rs.7,000/- per Are, the appellant has filed A.S No.387 of 2016 praying for enhancement at the level of Rs.10,000/- per Are by modifying the award passed in LAOP No.9 of 2011 dated 30.01.2013.

3. The learned counsel further contended that at the time of hearing the above first appeal along with connected two other first appeals in A.S Nos.385 and 386 of 2016, this Court in the earlier batch of first appeals connecting to the very same notification of acquired lands for Port



development at Karaikal had fixed at the rate of Rs.8,500/- per Are by modifying the award of the reference Court fixing Rs.7000/- per Are. Since this Court had fixed Rs.7000/- per Are for the lands covered under the very same notification issued in G.O.Ms.No.165 dated 29.12.2005 covering the extent of acquisition of 142.84.18 Hectares in the earlier batch of first appeals in A.S No.568 etc., of 2012 dated 20.03.2014, this Court has followed the said course for disposal of the above first appeal. The respondents have not correctly placed the facts. The first appeals covered in the earlier batch of cases in A.S Nos.568 of 2012 etc. were concerned with vacant lands not used for Prawn Culture. The acquired lands from the applicant having been classified as "Used for Prawn Culture" in the award passed by the 2nd respondent (Ex.R1) are entitled to be compensated in the same degree at the rate of Rs.10000/- per Are. Since the reference court fixed compensation at the rate of Rs.10,000/- per Are in respect of lands used for prawn culture in LAOP No.3 of 2011 dated 30.01.2013, in LAOP No.37 of 2011 dated 26.04.2013 and in LAOP No.20 of 2012 dated 29.10.2013 and the said awards having been accepted in payments having been made to the concerned lands owners, the respondents should have in all fairness stated that the acquired lands from the applicant having been



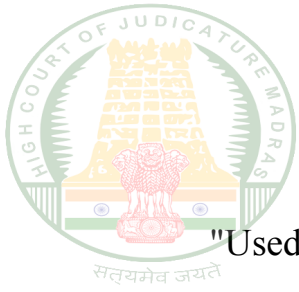
classified as "Used for Prawn Culture" should be paid with the same level of compensation at Rs.10,000/- per Are together with all other statutory benefits. Hence, he prays to allow the review application.

4. This Court, following the judgment of this Court dated 20.03.2014 made in a batch of first appeals in A.S Nos.568 to 1037 of 2012, had allowed the above first appeal by fixing the compensation amount at the rate of Rs.8,500/- per Are (i.e Rs.7000/- + Rs.1500/-). Aggrieved by the same, the petitioner herein has filed the present Review Application.

5. Heard the learned counsel for the applicant/appellant.

6. The learned Government Advocate, Puducherry appearing for the respondents submitted that she has no objection in allowing this review application.

7. On perusal of award passed by the reference court on 05.02.2010 viz., Ex.R1 would reveal that the lands in R.S No.176/2/C/1, 176/2/C/3 and R.S No.172/3/A owned by the applicant/appellant has been classified as



"Used for Prawn Culture". Hence the applicant/appellant is entitled for the enhanced compensation at the rate of Rs.10,000/- per Are for the acquired lands accordingly.

8. In the result, the review application is allowed. No costs.

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A.A.NAKKIRAN, J.
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Pre-Delivery Order in
Review Appln.No.28 of 2025
in A.S No.387 of 2016
(1/3)

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