



A.S.No.702 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 22.07.2025

Pronounced on: 28.07.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Appeal Suit No.702 of 2025

Cheliyan,
S/o. Ramasamy,
Surya Gardens,
Mullai Nagar, Housing Unit,
Namakkal District.

Now residing at D.No.3/164/2,
Theeran Chinnamalai Nagar,
Mohanur Road, Namakkal Town and Taluk,
Namakkal District.

... Claimant/Appellant

/versus/

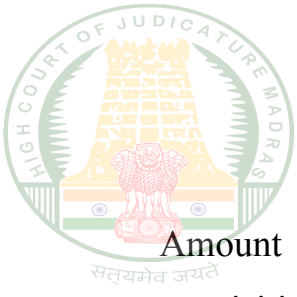
1. The Special Tahsildar (Land Acquisition),
Salem - Karur Broad Gauge, Railway Line Project, Unit-II,
Namakkal.

2. The Deputy Chief Engineer (Constructions),
Southern Railways,
Salem 5.

...Respondents/Respondents

Prayer:- Appeal Suit has been filed under Section 54 of the Land Acquisition Act, to allow the appeal by setting aside the Judgement and Decree dated 06.03.2019 passed in L.A.O.P.No.426 of 2001 on the file of the land Acquisition Tribunal, Namakkal (Principal Subordinate Court, Namakkal) by enhancing the compensation at the rate of Rs.106/- per Square Feet and 30% Solatium and 12%

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Amount along with interest at the rate of 9% for the first year from the date of acquisition (08.05.1999) and the interest at the rate of 15% per annum for the subsequent period till the date of realisation.

For Appellant : Mr.S.Senthil

For Respondents : Mr.R.Siddharth,
Additional Government Pleader,

J U D G M E N T

This appeal has been filed by the claimant, being not satisfied with the enhanced compensation award passed by the Reference Court in respect of land acquired from them for the purpose of Salem-Karur Broad Gauge Railway line project.

2. The Special Tahsildar, Land Acquisition acquired the land of the appellant for the purpose of Salem-Karur Broad Gauge Line Project, after publishing a notification under Section 4(1) of the Land Acquisition Act in the Tamil Nadu Gazette on 21.04.1999. The Land was acquired by invoking the emergency clause under Section 17 of the Land Acquisition Act, without the normal process of enquiry under Section 5-A. The declaration under Section 6



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was published on 25.05.1999. Award No.32 of 2001 was passed on 12.06.2000,

fixing the compensation at the rate of Rs.1,23,500/- per hectare.

3. Being aggrieved, reference under Section 18 of the Land Acquisition Act was made by the landowners, including the appellant herein. The claim of the appellant was taken up as L.A.O.P.No.426 of 2001.

4. The Reference Court, *vide* order dated 06.03.2019, enhanced the compensation to Rs.60/- per sq.ft for the acquired land in Vagurampatti village, along with 30% Solatium and 12% additional amount from the date of notification till the date of passing the award and thereafter, interest at the rate of 9% per annum on the excess compensation amount as well as the solatium amount from the date of possession till the date of payment, if made within one year and interest at the rate of 15% per annum on the unpaid excess part of the compensation and solatium amount from the date of expiry of one year till the date of payment and costs.



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5. The above appeal is filed for enhancement of compensation at the rate of Rs.106/- per sq.ft citing while a set of landowners similar to the appellant herein was not satisfied with the enhanced compensation of Rs.60/- per sq.ft., awarded by the Reference Court, came to this Court by way of appeals. In the said batch of Appeals in A.S.Nos.108, 109, 110, 111 & 113 of 2025, dated 07.03.2025, taking notice of the fact that Vagurampatti village is adjacent to Namakkal Town and falls under Municipal limits, situated near the Housing Board, Police Station and Courts. The Bus Stand, Government Hospital and Arts College are near its vicinity. Hence, considering the data value of the neighbouring lands and taking note of different compensation is awarded by the Reference Court for different villages in connection with the acquisition of land for the same railway project. The High Court compared the awards passed by the Reference Court and held that the land in Kondichettipatti, was awarded Rs.106/- per sq.ft, but for the land in Varagurampatti only Rs.40/- per sq.ft or Rs.60/- per sq.feet awarded. So, drawing parity, it enhanced the compensation to Rs.106/- per sq.ft on par with the landowners of Kondichettipatti village.



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6. While drawing parity, this Court has relied upon the judgment of the Hon'ble Supreme Court in *Ali Mohammad Beigh And Others vs. State Of Jammu and Kashmir* reported in (2017) 4 SCC 717, wherein the Hon'ble Supreme Court has held that when the lands are acquired at the same time and for the same purpose, the compensation to the landowners must be uniform.

7. The Learned Counsel for the appellant submitted that the dictum laid down by this Court in the connected batch of appeals in A.S.Nos.108 of 2025 etc., arising out of the same notification and same project should be followed for the sake of uniformity and that the award of Rs.60/- per sq.feet to be enhanced to Rs.106/- per sq.feet.

8. The Learned Additional Government Pleader appearing for the respondents submitted that there is no further appeal preferred against the judgment passed in the batch of appeals in A.S.Nos.108 of 2025 etc. However, he submitted that, since the present appeal has been filed with considerable delay of more than 2131 days and this Court, while condoning the delay, had specifically



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ordered that the claimant will not be entitled for interest for the said period of delay, the appeal may be considered, subject to the condition passed by this Court in C.M.P.No.12930 of 2025, dated 13.06.2025, while condoning the delay in filing the appeal.

9. This Court, after considering the plea of the appellant and the precedent cited, allow the appeal by enhancing the compensation to Rs.106/- per sq.feet, with all other statutory benefits as fixed by the Reference Court but without interest for the period of 2131 days, which is the period of delay caused by the appellant in filing the appeal.

10. Hence, the judgment passed by the Principal Subordinate Judge, Namakkal, in L.A.O.P.No.426 of 2001, dated 06.03.2019 is modified by fixing compensation for the land at the rate of Rs.106/- per sq.ft and in all other aspects, the award of the Reference Court stands confirmed. The enhanced compensation to be deposited within three months from today.



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11. In fine, this *Appeal Suit No.702 of 2025 is allowed.* There shall be no order as to costs.

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Index :Yes/No.
Neutral citation :Yes/No.
bsm

To,

1. The Land Acquisition Tribunal, (Principal Subordinate Court), Namakkal.
2. The Special Tahsildar (Land Acquisition), Salem - Karur Broad Gauge, Railway Line Project, Unit-II, Namakkal.
3. The Deputy Chief Engineer (Constructions), Southern Railways, Salem 5.
4. The Government Pleader, High Court, Madras.
5. The Section Officer, V.R.Section, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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Pre-delivery judgment made in
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