



A.S.Nos.599, 600, 601, 602 & 603 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM

THE HON'BLE Mr. JUSTICE N.SATHISH KUMAR

A.S.Nos.599, 600, 601, 602 & 603 of 2025

Saraswathi Ammal	...	Appellant in A.S.No.599 of 2025
Saraswathi Ammal	...	Appellant in A.S.No.600 of 2025
K.L.Padmanabhan	...	Appellant in A.S.No.601 of 2025
K.L.Padmanabhan	...	Appellant in A.S.No.602 of 2025
Saraswathi Ammal	...	Appellant in A.S.No.603 of 2025

Vs

1. The Special Tahsildar,
(Land Acquisition]
Naval Air Station, Project Unit IV,
Arakkonam.
 2. The Defence Estate Officer,
Madras Circle, Fort St. George,
Chennai.
- ... Respondents in all Appeals

COMMON PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act to set aside the Judgment and Decree made in



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LAOP.Nos.688 & 401 of 1991, dated 29.01.1999, LAOP.No.400 of 1991, dated 16.10.1998, LAOP.No.687 of 1991, dated 23.03.1999 and LAOP.No.405 of 1991 dated 16.10.1998 on the file of the Subordinate Judge, Ranipet.

For Appellant : Mr.K.Ravindranath [in all Appeals]
For Respondents : Mrs.R.Anitha
Spl.Government Pleader–R1 & R2
[in all Appeals]

COMMON JUDGMENT

These Appeal Suits are filed against the Judgment and Decree passed by the Subordinate Judge, Ranipet for enhancement of compensation passed in Land Acquisition Original Petitions.

2. For the sake of convenience, the parties are referred to as per their own ranking in the trial Court. As the lands of the all appellants are situated in the same survey number and the purpose of acquisition is one and the same in all the appeals, these appeals are disposed of by way of a Common Judgment.



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3. The case of the claimants is that their respective lands were acquired for the purpose of Naval Air Station in Arakkonam. The acquisition officer passed an award by fixing Rs.75/- per cent and the same was enhanced to Rs.375/- in L.A.O.P.Nos.400 and 401 of 1991 and in LAOP.Nos.687, 688 and 405 of 1991, the land acquisition Officer had passed an award by fixing Rs.160/- per cent and the same was enhanced to Rs.450/- by the reference Court. It is the further case of the claimants that in respect of the very same notification, other land owners have filed A.S.Nos.881 & 894 of 2006, 35, 79, 93, 352, 354, 355, 365 & 487 of 2007 and in the said appeals filed by the claimants, the Division Bench of this Court has enhanced the compensation amount to Rs.750/- per cent and the same was confirmed by the Supreme Court. Thereafter, the Division Bench of this Court in respect of the very same notification, wherein the compensation amount is fixed at Rs.750/-per cent as confirmed by the Supreme Court has extended to those land owners in the appeals. So also in A.S.240 of 2007, this Court by the judgment



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dated 06.07.2010, has applied the same yardstick since all the lands are

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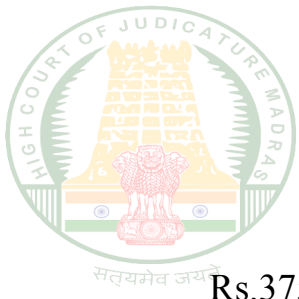
covered under the very same notification and the lands are in the very same survey number. Hence, the present appeals.

4. After completion of pleadings, the reference Court framed the following points for determination :

“ 1. what is the market value of per cent on the date of 4[1] notification?

2. Whether the claimant is entitled to enhanced compensation ?

5. On the side of the claimants, they examined C.W.1 and marked Ex.P.1 to Ex.P.4. On the side of the respondents herein, they examined R.W.1 and Ex.R1 to 5 have been marked. On considering the oral and documentary evidences adduced by the respective parties and the submission made by the learned counsel, the Court below enhanced the value of the property which was acquired by the respondent and fixed a sum of Rs.450/- per cent in LAOP.Nos.400, 405 and 687 of 1991 and



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Rs.375/- per cent in L.A.P.Nos.401 and 688 of 1991, and accordingly enhanced the award. Not satisfied by the same, the present Appeal suits have been preferred by the claimants.

6. The learned counsel for the appellants would submit that in respect of the very same notification, other land owners have filed A.S.No.881 & 894 of 2006, 35, 79, 93, 352, 354, 355, 365 & 487 of 2007 and in those appeals filed by the claimants, the Division Bench of this Court has enhanced the compensation amount to Rs.750/- per cent and the same was confirmed by the Supreme Court. Thereafter, in the above said cases, the Division Bench of this Court in respect of the very same notification, wherein the compensation amount is fixed at Rs.750/-per cent as confirmed by the Supreme Court has extended to those land owners in the appeals. So also in A.S.240 of 2007 by the judgment dated 06.07.2010, this Court had applied the very same yard stick since all the lands are covered under the very same notification and the lands are in the very same survey number. Hence, the appellants are entitled for the enhancement of compensation on par with the other land owners.



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7. Per contra, the learned counsel for the respondents fairly admitted that the same yardstick will apply to the appellants herein as it has been enhanced to the other land owners in the same survey number. However, it is their contention that as the appellants have not taken any steps to pursue their appeals for more than 10 years, they are not entitled to interest for the default period.

8. In reply, the learned counsel appearing for the appellants would submit that at the time of filing the appeals, as the appellants have not paid requisite Court Fee, the appeal suits have been dismissed at the SR stage itself. Thereafter, learned counsel who was appearing for the appellants had become Standing Counsel for Central Government and he handed over all the case bundles including the present appeals to his junior counsel. Whenever, the appellants enquired the junior counsel he told that the appeals are pending. It is his further contention that when the appellants enquired about the appeals in the registry, it was found that during bifurcation of the Madras High Court, certain case bundles have



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been wrongly sent to the Madurai Bench of Madras High Court and again those bundles were resent to the Principal Bench. Hence, the delay had occurred and the same is not on the fault of the appellants.

9. Heard the learned counsel for the appellants as well as the learned counsel for the respondents.

10. The appellants are the claimants and the first respondent is the acquisition officer. The lands of the appellants were acquired for the purpose of Naval Air Station in Arakkonam is not in dispute. The acquisition officer passed an award by fixing Rs.160/- per cent and the same was enhanced to Rs.450/- and 375/- per cent by the Land Acquisition Appellate Tribunal is also not disputed. It is to be noted that in respect of the very same notification, other land owners have filed A.S.No.881 & 894 of 2006, 35, 79, 93, 352, 354, 355, 365 & 487 of 2007 and in those appeals, the Division Bench of this Court has enhanced the compensation amount to Rs.750/- per cent and the same was confirmed by the Supreme Court. Hence, this Court is of the view that the same



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yard stick has to be applied to the present appellants, since the lands of the appellants are covered under the very same notification and the lands are also in the very same survey number.

11. As far as delay period is concerned, the appellants have clearly explained the delay in the petition filed to condone the delay in preferring the appeal that the counsel appearing for the appellants has been appointed as Standing Counsel for the Central Government and that the case bundles have been wrongly sent to the Madurai Bench of Madras High Court and again re-sent to the Principal Bench and therefore, the delay has occurred. Hence, the petition filed to condone delay has been allowed by this Court.

12. Considering the facts and circumstances of the case, as the delay cannot be totally attributed to the appellants, they cannot be denied of the interest, to which they are legally entitled.

13. In the result, the Appeal Suits are partly allowed



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[i] The Order of the reference Court with respect to market value determined by the reference Court is enhanced to Rs.750/- per cent in so far as the references under the appeals are concerned.

[ii] The first respondent in these appeals or the authority concerned are directed to deposit the entire enhanced compensation along with all other benefits as granted by the reference Court, if not already deposited pursuant to the Orders of the reference Court under the appeals.

[iii] It is made clear that the claimants are at liberty to approach the reference Court for withdrawal of the compensation as directed above in accordance with law.

[iv] It is also made clear that this Order will apply only to the landowners in the present appeal suits.

[v] The learned law office who represented the respondents in the appeal suits is entitled to separate fees



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for each of the appeal suits.

[vi] Considering the facts and circumstances of the case, both parties are directed to bear their respective costs. No costs.

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Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order

vrc

To

The Subordinate Judge,
Ranipet.



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N.SATHISH KUMAR, J.

VTC

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