

(2012) 02 MAD CK 0135

In the Madras High Court

Case No : A.S. No. 540 of 2011 and M.P. No. 1 of 2011

The Special Tahsildar (L.A), Sipcot-II

APPELLANT

Vs

Venkatasamy and Others

RESPONDENT

Date of Decision : 17-02-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4(1)

Citation : (2012) 02 MAD CK 0135

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : S. Pasupatheeswaran, Spl. G.P. A.S, for the Appellant; V. Raghavachari for R1 to R10, for the Respondent

Final Decision : Dismissed

Judgement

G. Rajasuria

1. Animadverting upon the judgment and decree passed by the learned Subordinate Judge, Hosur, dated 09.04.2008 in L.A.O.P. No. 78 of

1997, the Government has filed this appeal. Heard both sides.

2. The epitome and the long and short of the relevant facts absolutely necessary and germane for the disposal of this appeal would run thus:

The Government published Section 4(1) Notification under the Land Acquisition Act for acquiring the land measuring an extent of 1.05.5 hectares

in S.No.153/2 in Mornapalli Village, Dharmapuri District, Hosur Taluk, for the purpose of locating SIPCOT Industrial Complex, Unit - II at

Hosur. After complying with the procedures, the Land Acquisition Officer acquired the land and assessed the compensation in a sum of

Rs.2,48,630.20 (per hectare). Being aggrieved by such awarding of the compensation, the land owners got the matter referred to the Sub Court

u/s 18 of the Land Acquisition Act.

3. During enquiry before the Sub Court, the third claimant examined himself as C.W.1 and Exs.A.1 and A10 were marked. On the side of the

respondent, R.W.1 was examined and Exs.B1 to B4 were marked.

4. Ultimately the Sub Court enhanced the compensation to a sum of Rs.4,77,600/- per acre.

5. At the hearing, it transpired that the land involved in this case was acquired along with other lands belonging to various other persons and the

common Award 2 of 1997 was passed by the Land Acquisition Officer. The appeals filed by the other persons as against the judgment of the

lower Court were disposed of by my learned Predecessor, vide the common judgment dated 05.08.2010 in A.S. Nos. 429 to 442 of 2008 etc.

batch, upholding the enhanced compensation of Rs.4,77,600/- per acre awarded by the lower Court. This appeal is as against the judgment of the

lower Court assessing the compensation in a same sum of Rs.4,77,600/- per acre. As of now, what I could understand is that, finality has been

achieved in respect of the assessing of the compensation in respect of one acre of land in a sum of Rs.4,77,600/- and there is nothing to indicate

that the order passed by this Court earlier by my learned Predecessor was set aside by the Hon"ble Apex Court. As such, I could see no reason

to distinguish and differentiate the case of the claimants/land losers in this matter. The appellant/State having accepted this Court's judgment

assessing the compensation in a sum of Rs.4,77,600/- per acre, cannot with regard to the claimants/land losers in this case, question the quantum

for no special reasons. Hence, I could see no merit in this appeal and accordingly, the same stands dismissed. However, there shall be no order as

to costs. Consequently, connected miscellaneous petition is closed.