

(2010) 12 MAD CK 0048

Madras High Court

Case No: Appeal Suit No. 846 of 2010 and M.P. No. 1 of 2010

The Special Tahsildar (LA) Tamil
Nadu Housing Board Cuddalore

APPELLANT

Vs

M.G.P. Alias, Irin Paul and E.
David

RESPONDENT

Date of Decision: Dec. 9, 2010

Hon'ble Judges: R. Mala, J

Bench: Single Bench

Advocate: V. Ravi, Special Govt. Pleader, for the Appellant; Kavitha Balakrishnan, for the Respondent

Judgement

R. Mala, J.

This appeal has been filed against the order dated 27.02.2006 in L.A.O.P. No. 69 of 1998, on the file of II Additional Sub-

Court, (FAC), Villupuram.

2. 4(1) notification was issued on 03.03.1993 and the Acquisition Officer passed the award dated 30.06.1995 in Award No. 12 of 1995. The

acquisition relates to the lands situated in Salamedu Village, Villupuram Taluk bearing R.S. No. 46/11B measuring 1.48.00 hectares out of 3.99.00

hectares and the Land Acquisition Officer fixed the land value at Rs. 2.70/-per sqft, which was objected by the Respondents/claimants. The matter

was referred to the jurisdictional Reference Court and the same was taken as L.A.O.P. No. 69 of 1998 on the file of II Additional Sub-Court,

(FAC), Villupuram.

3. After considering the oral evidence of both sides and the documentary evidence of the Respondents/claimants, the Reference Court fixed the

value at Rs. 25/-per sq.ft. Against which, the present appeal has been preferred by the Government/the Special Tahsildar, land acquisition authority.

4. At this juncture, the learned Special Government Pleader appearing for the Government submitted the decision rendered by the Hon"ble

Division Bench of our High Court in A.S. No. 760 of 2004. In the above said appeal, the land value fixed by the Reference Court has been

reduced from Rs. 25/-per sq.ft. to Rs. 16.67/-per sq.ft, which was rounded off to Rs. 16.75/-per sq.ft. Hence, he prayed for the same order to be

passed accordingly.

5. The learned Counsel for the Respondents/claimants has fairly conceded the covered judgment passed by the Hon"ble Division Bench of this

Court in A.S. No. 760 of 2004, which has fixed the land value at Rs. 16.75/-per sq.ft.

6. Considering the submissions made on both sides, this Court is inclined to follow the judgment passed by the Hon"ble Division Bench of our High

Court and fix the land value at Rs. 16.75/-per sq.ft.

7. Since the learned Counsel for the Respondents/claimants submitted that the award No. 12 of 1995 has been passed on 30.06.1995, which is

more than 15 years, she seeks a direction to direct the Appellant to deposit the compensation amount within two months. Considering her request,

the Appellant is directed to deposit the compensation amount fixed by this Court within two months from the date of receipt of a copy of this

Judgment.

8. Accordingly, the Appeal Suit is partly allowed. No costs. The connected miscellaneous petition is closed.