

Madras High Court

The Special Tahsildar (La) vs M.G.P.Alias on 9 December, 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS
CORAM:

THE HONOURABLE MS.JUSTICE R.MALA
Appear Suit No.846 of 2010
and
M.P. No. 1 of 2010

The Special Tahsildar (LA)
Tamil Nadu Housing Board
Cuddalore.

.. Appellant

Vs

1.M.G.P.Alias
2.Irin Paul
3.E.David

.. Respondents

Prayer: This Appeal Suit has been preferred under Section 54 of the Land Acquisition Act

For Appellant : Mr.V.Ravi
Special Govt. Pleader

For Respondents : Mrs.Kavitha Balakrishnan

JUDGMENT

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.

09.12.2010 Index :Yes Internet:yes kj To

1.The Special Tahsildar (LA) Tamil Nadu Housing Board Cuddalore.

2.II Additional Sub-Court (FAC), Villupuram.

3.The Record Keeper V.R.Section, High Court, Madras.

R.MALA,J.

Kj A.S.No.846 of 2010 and M.P.No.1 of 2010 09.12.2010 A.S.No.846 of 2010 R.MALA,J.

The case is posted "for being mentioned" today.

2.The learned Special Government Pleader submitted that the property has been acquired only for Tamil Nadu Housing Board, Villupuram Division. As per Section 54-A of the Land Acquisition Act,

they are the necessary party to deposit the amount and their name has to be impleaded. Otherwise, depositing the amount will be delayed. Hence he prayed for impleading Tamil Nadu Housing Board, Villupuram Division as a party to the proceedings.

3.Considering the provision under Section 54-A of the Land Acquisition Act, I am of the view that the Tamil Nadu Housing Board, Villupuram Division represented by Executive Engineer and Administrative Officer, Tamil Nadu Housing Board, Villupuram Division is a necessary party. Mr.D.Veerasekaran, the learned standing counsel appearing for the Tamil Nadu Housing Board, Villupuram Division submitted that he has no objection for impleading Executive Engineer and Administrative Officer, Tamil Nadu Housing Board, Villupuram R.MALA,J.

Kj Division as a party. So the Registry is directed to include the name of the Executive Engineer and the Administrative Officer, Tamil Nadu Housing Board, Villupuram Division as a second appellant. Therefore, the appellants 1 and 2 are directed to deposit the amount within two months from the date of receipt of a copy of this order.

4.In other respects, the earlier order dated 09.12.2010 shall stand.

16.12.2010 kj A.S.No.846 of 2010