

CORRECTED**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NOS.7705-7706/2019
[@ SLP [C] NOS.1280-1281/2018]****K. N. SAMPATH****Appellant(s)****VERSUS****SPECIAL TAHSILDHAR LAND ACQUISITION OFFICER & ANR. Respondent(s)****WITH****CIVIL APPEAL NOS.7707-7708/2019
@SLP(C) No. 1272-1273/2018 (XII)****CIVIL APPEAL NOS.7709-7710/2019
@ SLP(C) No. 1270-1271/2018 (XII)****CIVIL APPEAL NOS.7711-7712/2019
@ SLP(C) No. 1274-1275/2018 (XII)****CIVIL APPEAL NOS.7713/2019
@ SLP(C) No. 370/2019 (XII)****O R D E R**

Leave granted.

The land owners were deprived of their lands set out in Koyambedu which were acquired for the purpose of establishing Koyambedu market Complex at Koyambedu by the Chennai Metropolitan Development Authority by invoking the provisions of Land Acquisition Act, 1894.

The possession of the land was taken over and award was made. Reference was sought and the reference Court fixed the compensation at Rs.825/- per square feet by a common judgment dated 29.12.2008. The land owners, aggrieved, preferred appeals before the High Court.

The Learned Single Judge of the High Court of Madras by a common judgment dated 26.8.2010 came to the conclusion that the

evidence on record had been able to establish the rate of Rs.2000/- per square feet. However, since the appellants had restricted their claims to lesser amount, the rate of Rs.1100 per square feet was granted.

It appears that review petitions were filed thereafter but they were not decided at the same time. Insofar as the appellants before us are concerned, a decision was rendered in the review petitions enhancing the amount to Rs.1,260/- per square feet as had been prayed. No further appeals were preferred against the same before this Court. Some of the review applications have come to be decided subsequently. Those parties are stated to be identically situated inasmuch as they had restricted the claim. The High Court took the view that a liberal approach should be adopted and the amount determined at Rs.2000/- should be allowed subject to the payment of ad valorem Court fee on the enhanced amount. These orders were passed *inter alia* on 26.7.2017 and 09.01.2019.

The appellants now claim parity with them and say that same approach should be adopted as they were also identically situated i.e. same Notification, same award, same judgment but separate decisions in review with even the successful parties having not sought the enhanced amount of Rs.2000/- per square feet. The only distinguishing factor in one of the appeals i.e. Civil Appeal NO...../2019 @ SLP [C] No.370/2019 is that this Court has been approached without filing the review application. But to our mind, that would not make any difference insofar as the relief in that case is concerned.

The delay in the present appeals which has been quite large,

has further been condoned while issuing notice. The question thus, is what is the ramification of the same as learned counsel for the respondents contends that the appellants should not be permitted to ride piggy back on the aforesaid decisions even though the Special leave petition against the orders on review in the other matters has also been dismissed.

We are unable to persuade ourselves to agree with the contention of learned counsel for the respondent. The delay in approaching this Court can be dealt with by depriving interest on the enhanced compensation amount and other benefits to the appellants for the period of delay.

We may note that in such acquisition proceedings albeit for public purpose, valuable constitutional right under Article 300A of the Constitution is taken away by Legislative enactment. Thus, a liberal approach has to be adopted to ensure that there is no discrimination *inter se* the parties and merely because one set of review applications came to be decided earlier by the High Court while another came to be decided later on with the common thread which is present as that all of them had demanded lesser compensation, should not itself disentitle the appellants to the same relief subject to the aforesaid.

We thus modify the impugned orders and grant the same compensation of Rs.2000/- per square feet to the appellants with all statutory benefits except that the interest for the period of delay will not be admissible for the appellants and Court fee on enhanced amount is deposited.

The appeal is accordingly allowed leaving the parties to bear

their own costs.

We may observe as a post script that all these aspects would not arise if due care is taken by the respondent to make sure that all the identical cases are tagged and placed before the Court to avoid any inconsistent view.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[KRISHNA MURARI]

NEW DELHI;
SEPTEMBER 30, 2019.

RE-REVISED
 ITEM NO.32 COURT NO.9 SECTION XII

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1280-1281/2018

(Arising out of impugned final judgment and order dated 18-08-2016 in RA No. 64/2016 and order dated 26-08-2010 in APPSU No. 706/2010 passed by the High Court Of Judicature At Madras)

K. N. SAMPATH Petitioner(s)

VERSUS

SPECIAL TAHSILDHAR LAND ACQUISITION OFFICER & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.141097/2017-CONDONATION OF DELAY IN FILING and IA No.141100/2017-EXEMPTION FROM FILING O.T. and IA No.141098/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

SLP(C) No. 1272-1273/2018 (XII)

SLP(C) No. 1270-1271/2018 (XII)

SLP(C) No. 1274-1275/2018 (XII)

SLP(C) No. 370/2019 (XII)

(FOR ADMISSION and I.R. and IA No.179684/2018-CONDONATION OF DELAY IN FILING and IA No.179686/2018-CONDONATION OF DELAY IN REFILING)

Date : 30-09-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. N. Mala Srirangam, Adv.
 Ms. T. Archana, AOR
 Mr, B. Mohan Krishna, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AAG
 Ms. Purbitaa Mitra, Adv.
 Ms. A. Jaswanthi, Adv.
 Mr. K. V. Vijayakumar, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

[Corrected Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7705-7706/2019
[@ SLP [C] NOS.1280-1281/2018]

K. N. SAMPATH

Appellant(s)

VERSUS

SPECIAL TAHSILDHAR LAND ACQUISITION OFFICER & ANR. Respondent(s)

WITH

CIVIL APPEAL NOS.7707-7708/2019
@SLP(C) No. 1272-1273/2018 (XII)

CIVIL APPEAL NOS.7709-7710/2019
@ SLP(C) No. 1270-1271/2018 (XII)

CIVIL APPEAL NOS.7711-7712/2019
@ SLP(C) No. 1274-1275/2018 (XII)

CIVIL APPEAL NOS.7713/2019
@ SLP(C) No. 370/2019 (XII)

O R D E R

Leave granted.

The land owners were deprived of their lands set out in Koyambedu which were acquired for the purpose of establishing Koyambedu market Complex at Koyambedu by the Chennai Metropolitan Development Authority by invoking the provisions of Land Acquisition Act, 1894.

The possession of the land was taken over and award was made. Reference was sought and the reference Court fixed the compensation at Rs.825/- per square feet by a common judgment dated 29.12.2008. The land owners, aggrieved, preferred appeals before the High Court.

The Learned Single Judge of the High Court of Madras by a

common judgment dated 26.8.2010 came to the conclusion that the evidence on record had been able to establish the rate of Rs.2000/- per square feet. However, since the appellants had restricted their claims to lesser amount, the rate of Rs.1100 per square feet was granted.

It appears that review petitions were filed thereafter but they were not decided at the same time. Insofar as the appellants before us are concerned, a decision was rendered in the review petitions enhancing the amount to Rs.1,260/- per square feet as had been prayed. No further appeals were preferred against the same before this Court. Some of the review applications have come to be decided subsequently. Those parties are stated to be identically situated inasmuch as they had restricted the claim. The High Court took the view that a liberal approach should be adopted and the amount determined at Rs.2000/- should be allowed subject to the payment of ad valorem Court fee on the enhanced amount. These orders were passed *inter alia* on 26.7.2017 and 09.01.2019.

The appellants now claim parity with them and say that same approach should be adopted as they were also identically situated i.e. same Notification, same award, same judgment but separate decisions in review with even the successful parties having not sought the enhanced amount of Rs.2000/- per square feet. The only distinguishing factor in one of the appeals i.e. Civil Appeal NO...../2019 @ SLP [C] No.370/2019 is that this Court has been approached without filing the review application. But to our mind, that would not make any difference insofar as the relief in that case is concerned.

The delay in the present appeals which has been quite large, has further been condoned while issuing notice. The question thus, is what is the ramification of the same as learned counsel for the respondents contends that the appellants should not be permitted to ride piggy back on the aforesaid decisions even though the Special leave petition against the orders on review in the other matters has also been dismissed.

We are unable to persuade ourselves to agree with the contention of learned counsel for the respondent. The delay in approaching this Court can be dealt with by depriving interest on the enhanced compensation amount and other benefits to the appellants for the period of delay.

We may note that in such acquisition proceedings albeit for public purpose, valuable constitutional right under Article 300A of the Constitution is taken away by Legislative enactment. Thus, a liberal approach has to be adopted to ensure that there is no discrimination *inter se* the parties and merely because one set of review applications came to be decided earlier by the High Court while another came to be decided later on with the common thread which is present as that all of them had demanded lesser compensation, should not itself disentitle the appellants to the same relief subject to the aforesaid.

We thus modify the impugned orders and grant the same compensation of Rs.2000/- per square feet to the appellants with all statutory benefits except that the interest for the period of delay will not be admissible for the appellants.

The appeal is accordingly allowed leaving the parties to bear

their own costs.

We may observe as a post script that all these aspects would not arise if due care is taken by the respondent to make sure that all the identical cases are tagged and placed before the Court to avoid any inconsistent view.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[KRISHNA MURARI]

NEW DELHI;
SEPTEMBER 30, 2019.

REVISÉ
 ITEM NO.32 COURT NO.9 SECTION XII

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 1280-1281/2018

(Arising out of impugned final judgment and order dated 18-08-2016 in RA No. 64/2016 and order dated 26-08-2010 in APPSU No. 706/2010 passed by the High Court Of Judicature At Madras)

K. N. SAMPATH Petitioner(s)

VERSUS

SPECIAL TAHSILDHAR LAND ACQUISITION OFFICER & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.141097/2017-CONDONATION OF DELAY IN FILING and IA No.141100/2017-EXEMPTION FROM FILING O.T. and IA No.141098/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

SLP(C) No. 1272-1273/2018 (XII)

SLP(C) No. 1270-1271/2018 (XII)

SLP(C) No. 1274-1275/2018 (XII)

SLP(C) No. 370/2019 (XII)

(FOR ADMISSION and I.R. and IA No.179684/2018-CONDONATION OF DELAY IN FILING and IA No.179686/2018-CONDONATION OF DELAY IN REFILING)

Date : 30-09-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. N. Mala Srirangam, Adv.
 Ms. T. Archana, AOR
 Mr, B. Mohan Krishna, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AAG
 Ms. Purbitaa Mitra, Adv.
 Ms. A. Jaswanthi, Adv.
 Mr. K. V. Vijayakumar, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]

ITEM NO.32

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1280-1281/2018

(Arising out of impugned final judgment and order dated 18-08-2016 in RA No. 64/2016 and order dated 26-08-2010 in APPSU No. 706/2010 passed by the High Court Of Judicature At Madras)

K. N. SAMPATH

Petitioner(s)

VERSUS

SPECIAL TAHSILDHAR LAND ACQUISITION OFFICER & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.141097/2017-CONDONATION OF DELAY IN FILING and IA No.141100/2017-EXEMPTION FROM FILING O.T. and IA No.141098/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

WITH

SLP(C) No. 1272-1273/2018 (XII)

SLP(C) No. 1270-1271/2018 (XII)

SLP(C) No. 1274-1275/2018 (XII)

SLP(C) No. 370/2019 (XII)

(FOR ADMISSION and I.R. and IA No.179684/2018-CONDONATION OF DELAY IN FILING and IA No.179686/2018-CONDONATION OF DELAY IN REFILING)

Date : 30-09-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. N. Mala Srirangam, Adv.
Ms. T. Archana, AOR
Mr, B. Mohan Krishna, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AAG
Ms. Purbitaa Mitra, Adv.
Ms. A. Jaswanthi, Adv.
Mr. K. V. Vijayakumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

[Signed order is placed on the file]

(ANITA RANI AHUJA)
COURT MASTER