



C.R.P.(NPD).No.1784 of 2020 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.02.2024

PRONOUNCED ON : 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).Nos.1784, 1785, 1786, 1787, 1788, 1789, 1790, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1801, 1803, 1804, 1805, 1806, 1807, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845 and 1847 of 2020

and

C.M.P.Nos.10947, 10948, 10950, 10953, 10954, 10955, 10956, 10959, 10960, 10961, 10963, 10965, 10966, 10967, 10970, 10975, 11016, 11019, 11020, 11021, 11022, 11025, 11027, 11028, 11029, 11030, 11031, 11032, 11033, 11034, 11035, 11037, 11038, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11048, 11049, 11050, 11051, 11052, 11053, 11054, 11055, 11056, 11057, 11058, 11059, 11060, 11061, 11062, 11064, 11065, and 11066 of 2020

C.R.P.(NPD).No.1784/2020:

Land Acquisition Officer and
District Revenue Officer
Namakkal.

... Petitioner

VS

Periyasamy

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Judgment and Decree passed by the



C.R.P.(NPD).No.1784 of 2020 etc., batch

Subordinate Court, Rasipuram made in LAOP.No.47 of 2014 dated 29.03.2019.

For Petitioner : Ms.R.Anitha
Special Government Pleader
(in all CRPs)

For Respondent : Mr.R.Anbukarasu
(in CRP.(NPD).Nos.1784,1847, 1843,
1835, 1836, 1837, 1826, 1827, 1785,
1839, 1841, 1845, 1815, 1816, 1786,
1821, 1822, 1842, 1825, 1787, 1788,
1790, 1792, 1796, 1797, 1801, 1803,
1804, 1805, 1806, 1807, 1809, 1811,
1813, 1814, 1817, 1818, 1819, 1820,
1828, 1830, 1833 and 1834 of 2020)

: Mr.S.Senthil
(in CRP.(NPD).Nos.1844, 1838, 1794,
1823, 1824, 1789, 1799, 1810, 1812
and 1831 of 2020)

: M/s.Rupert Joshua Barnabas
(in CRP.(NPD).No.1832/2020)

: Ms.N.Premalatha
(in CRP.(NPD).No.1829/2020)

: No Appearance
(in CRP.(NPD).Nos.1795, 1798, 1793
and 1840 of 2020)



COMMON ORDER

WEB COPY These Civil Revision Petitions are filed by the Land Acquisition Officer/District Revenue Officer, Namakkal challenging the award passed by Subordinate Court, Rasipuram in batch of Land Acquisition Original Petitions enhancing compensation payable to the land owners in respect of lands acquired for formation of Rasipuram Bypass Road under Tamil Nadu Highways Act, 2001.

2. For the purpose of convenience, these revisions are taken into consideration based on the name of the Villages in which acquired lands are situated. The lands were acquired from four Villages namely Singalanthapuram, Rasipuram, Anaipalayam and Chandrasekarapuram.

3. The Civil Revision Petitions which are filed in respect of lands situated in same Village are grouped together. The following table would indicate the compensation awarded by the Land Acquisition Officer on square feet basis and the enhanced compensation awarded by the Land Acquisition Tribunal:-

**Formation of By-Pass Road – Namakkal to Rasipuram**

Sl. No.	Village	Data land taken by LAO in Serial No.	Data land taken by Sub Court in Serial No.	LAO Compensation per sq.ft.	Sub Court Compensation per Sq.ft.
1	Singalanthapuram (7 CRPs)	39	554, 577	Rs.4/-	Rs.30/-
2	Rasipuram (34 CRPs)	137	160	Rs.10/-	Rs.166/-
3	Anaipalayam (9 CRPs)	201	186	Rs.11/-	Rs.70/-
4	Chandrasekarapuram (9 CRPs)	137	634	Rs.10/-	Rs.40/-

4. The learned Special Government Pleader appearing for the petitioner tried to assail the enhanced compensation awarded by the Tribunal on the ground that the Land Acquisition Officer had taken the Data Sale Deed treating the acquired lands as 'Dry Lands' and arrived at the compensation at the rate of Rs.4, 10, 11 and 10 in respect of Singalanthapuram, Rasipuram, Anaipalayam and Chandrasekarapuram Villages respectively. However, the Land Acquisition Tribunal had tread the acquired lands as 'Housing Sites' and fixed compensation on higher side at the rate of Rs.30, 166, 70 and 40 per sq.ft., respectively. The learned Special Government Pleader further submitted that the Tribunal ought not have taken into consideration the Sale Deeds pertaining to sale of house sites while fixing compensation for the



acquired lands which are classified as 'Dry Lands' in the revenue records. The learned Special Government Pleader further submitted that in the absence of any proper documentary evidence available on record to show the loss due to severance of the land by acquisition proceedings, compensation awarded at Rs.50,000/- for each of the land owners under the head loss due to severance of land is without basis. The learned Special Government Pleader also submitted that the Tribunal ought not have awarded severance compensation at the rate of Rs.50,000/- per land owner uniformly without considering the each case on its own merit.

5. The learned counsel appearing for the respondents/land owners submitted that out of Sale Statistics collected by the Land Acquisition Officer for relevant period namely 01.10.2007 to 30.09.2010 (three years immediately proceeding Section 15 (2) Notice under Tamil Nadu Highways Act, 2001), in more than 80% of the Sale Deed properties were sold as house sites and therefore, the Land Acquisition Tribunal rightly treated the acquired lands as 'House Sites' for the purpose of fixing compensation and the same requires no interference from this Court. The learned counsel further



submitted that in respect of Rasipuram Village Sale Deeds in Serial Nos.219, 232, 236, 237 and 261 have not been considered by the Land Acquisition Tribunal and had it been considered in a proper perspective the respondents are entitled to a higher compensation than the one fixed by the Land Acquisition Tribunal.

6. In support of his contention, the learned counsel for the respondents relied on the following judgements:-

- (i) ***Digamber and others vs. State of Maharashtra*** and others reported in ***(2013) 14 SCC 406***.
- (ii) ***Mehrawal Khewaji Trust and others vs. State of Punjab and others*** reported in ***(2012) 5 SCC 432***.
- (iii) ***Krishi Utpadan Mandi Samiti vs. Bipin Kumar and another*** reported in ***(2004) 2 SCC 283***.
- (iv) ***Land Acquisition Special Tahsildar vs. K.Mariammal and others*** reported in ***(2011) SCC Online Mad 1469***.
- (v) ***Nelson Fernandes and others vs. Special Land Acquisition Officer, South Goa and others*** reported in ***(2007) 9 SCC 447***.



7. The Land Acquisition Officer fixed the compensation amount at the rate mentioned in the tabular column shown above by treating the acquired lands as 'Dry Lands'. However, the Land Acquisition Tribunal treated the acquired lands as 'House Sites' and enhanced the compensation. Therefore, the foremost question to be decided in these revisions is whether the Land Acquisition Tribunal is justified in treating the acquired lands as 'House Sites'.

8. A perusal of typed set of papers would suggest that in respect of Rasipuram Village, the Land Acquisition Officer collected 826 Sale Deeds relevant to the period three years immediately preceding the Section 15(2) notice. Out of the total Sale Deeds collected, 747 Sale Deeds were discarded as those Sale Deeds were relating to House Sites. The Sale Statistics which was marked as Ex.R2 would suggest out of 826 Sales that had taken place in the locality in Rasipuram Village within 1.6 kms from the acquired land, in 747 Sales, lands were treated as House Sites. In respect of Singalanthapuram, out of 883 Sale Deeds collected by the Land Acquisition Officer, 783 Sale Deeds were discarded as House Sites. Likewise in Chandrasekarapuram, out



C.R.P.(NPD).No.1784 of 2020 etc., batch

of 92 Sale Deeds collected by Land Acquisition Officer, 81 Sales were discarded as House Sites. In respect of Anaipalayam Village, out of 282 Sale Deeds collected by Land Acquisition Officer, 243 Sale Deeds were discarded as House Sites.

9. The above said statistics would suggest the lands situated within 1.6 kms from the acquired lands were all developed as House Sites and in respect of more than 80% of the Sales Statistics collected by the Land Acquisition Officer, lands were treated as House Sites. The Tribunal by taking into consideration Ex.R2, which contains the details of the Statistics Sales and Ex.R3-Village Map found that in more than 80% of the sales that had taken place within three years immediately preceding the Section 15(2) notification, the adjacent lands were treated as House Sites. Further, a reading of evidence of RW.1 examined by petitioner would indicate acquired lands are located in an urbanised locality. The relevant portion of RW.1's evidence reads as follows:-

“ஆர்ஜிதம் செய்யப்பட்ட நிலங்கள் ராசிபுரம் நகரத்தில் ஒரு பகுதியாக இருப்பதால் தான் புறவழி சாலைக்காக ஆர்ஜிதம் செய்யப்பட்டது என்றால் சரிதான். ஆர்ஜிதம் செய்யப்பட்ட நிலங்களுக்கு வடபுறத்தில் ராசிபுரத்தில்



C.R.P.(NPD).No.1784 of 2020 etc., batch

WEB COPY

1லட்சத்து 50 ஆயிரம் குடியிருப்பு வீடுகள் உள்ளது என்றால் சரிதான். ஆர்ஜிதம் செய்யப்பட்ட சொத்துக்களுக்கும் ராசிபுரம் நகரத்திற்கும் சுமார் 1/4 கிமீ தொலைவு இருக்கும் என்றால் சரியல்ல. 1/2 கிமீ தொலைவு இருக்கும்.

....

ஆர்ஜித சொத்திற்கு கிழிபுற எல்லையில் ராசிபுரம் - சேந்தமங்கலம் சாலை உள்ளது என்றால் சரிதான். மேற்புறத்தில் ராசிபுரத்தில் இருந்து திருச்செங்கோடு செல்லும் மாநில நெடுஞ்சாலை உள்ளது என்றால் சரிதான். வடபுறத்தில் 1/4 கிமீ தொலைவில் திருவள்ளூர் அரசு கலை கல்லூரி உள்ளது என்றால் சரிதான். அதன் அருகில் இரண்டு மாணவ மாணவிகள் தங்கும் விடுதிகள் உள்ளது என்றால் சரிதான். அதன் தென்புறம் ஞானமணி மற்றும் பாவை கல்வி நிறுவனங்கள் உள்ளது என்றால் சரிதான். ஆர்ஜித சொத்துக்களுக்கு மத்தியில் நாமக்கல் - சேலம் நெடுஞ்சாலை செல்கிறது என்றால் சரியல்ல. மேற்கு ஓரமாக செல்கிறது. ஆர்ஜித சொத்திற்கு வடமேற்கு திசையில் 1/2 மைல் தூரத்தில் அரசு கால்நடை மருத்துவமனை உள்ளது என்றால் சரிதான். ஆண்டலூர்கேட்டில் இருந்து ராசிபுரம் செல்லும் மாநில நெடுஞ்சாலையில் இருந்து ஆர்ஜிதம் செய்யப்பட்ட நிலம் 1/2 கிமீ தொலைவில் இருக்கும் என்றால் சரிதான். ஆர்ஜித சொத்திற்கு 200 மீட்டர் தொலைவில் புகைவண்டி நிலையம் உள்ளது என்றால் சரியல்ல. சுமார் 500 மீட்டர் தொலைவில் உள்ளது. ஆர்ஜித சொத்துக்களுக்கு 500 மீட்டர் தொலைவிற்குள் பல வணிக வளாகங்கள் உள்ளது என்றால் சரியல்ல. ஆர்ஜித சொத்துக்களுக்கு வடபுறத்தில் 1/2 கிமீ தொலைவில் எல்ஐசி அலுவலகம் உள்ளது என்றால் சரிதான். அதன் அருகிலேயே BSNL தொலை தொடர்பு துறை மற்றும் வித்யாமந்திர் மெட்டிக்குலேசன் பள்ளியும் உள்ளது என்றால் சரிதான்.”



10. In view of the same, the Tribunal rightly came to the conclusion that acquired lands shall be treated only as House Sites not as Dry Lands. The reasoning assigned by the Land Acquisition Tribunal for treating acquired lands as House Site for the purpose of fixing compensation amount is plausible and based on Statistical Data filed by the petitioner before the Tribunal as Ex.R2. Therefore, the said conclusion reached by the Tribunal requires no interference from this Court.

11. The learned Special Government Pleader appearing for the petitioner vehemently contended that awarding uniform severance compensation of Rs.50,000/- per land owner is not correct and the same is liable to be set aside. On the other hand, the learned counsel for respondents submitted that when the lands of the respondents are acquired for the purpose of laying road, the lands originally owned by the land owners get severed and the same would diminish the value of the land to great extent and the severance compensation shall be fixed atleast at the rate of 35%. Admittedly, the land is acquired for the purpose of laying Bypass Road for Rasipuram Town. It is not in dispute the four villages in question are situated very near



the Rasipuram Town. If Bypass Road is laid by acquiring portion of the lands owned by the land owners, the value of the remaining severed lands owned by them will get increased rapidly due to laying of Bypass Road. If land is acquired for some other purposes and the original block of land owned by the land owners are severed by acquisition, the value of the severed land blocks may get diminished. However, in case of laying of road, the severed land blocks of the owners which lie adjacent to the road to be laid would get skyrocketed due to laying of road.

12. Even a preliminary notification under Section 15(2) of the Tamil Nadu Highways Act, 2001, for acquisition of lands for highways purposes would increase the value of the adjacent lands or lands severed by the acquisition. This Court can take judicial notice of the skyrocketing of land prices adjacent to the proposed roads. Therefore, while fixing the severance compensation, the benefit due to land acquisition proceedings namely increase in the value of the severed land shall also be taken into consideration. The decision relied on by learned counsel for respondents regarding fixation of severance compensation in *Land Acquisition Special*



Tahsildar vs. K.Mariammal and others reported in ***(2011) SCC Online Mad***

1469 is not applicable to the facts of this case in view of the fact, that case was relating to cultivable lands. This Court in that case observed severance by acquisition would make the severed land not suitable for cultivation. In the case on hand, acquired lands are treated as housing sites and formation of bypass road will increase its value.

13. In view of the mater, I am not inclined to accept the submission made by the learned counsel for the respondents that severance compensation shall be fixed on percentage basis. Taking into consideration the hardship faced by land owners due to severance of the land owned by them by acquisition proceedings, the Tribunal rightly fixed the severance compensation at the rate of Rs.50,000/- per land owner. In view of the likely increase of the land value due to proposed road, the Tribunal refrained from fixing severance compensation on percentage basis. Therefore, I hold uniform standard adopted by the Tribunal for the purpose of fixing of severance compensation is acceptable to this Court and consequently, I reject the argument made by the learned Special Government Pleader for the petitioner



as well as learned counsel for the respondents and confirm the severance compensation fixed by the Tribunal.

14. The learned counsel for respondents/claimants by relying on Sale Deeds in S.Nos.219, 232, 236, 237 and 261 submitted that if those Sale Deeds are taken into consideration, the claimants would be entitled to a higher compensation. A perusal of Ex.R2 would suggest in Sale Deeds in Sl.Nos.219, 232, 236, 237 and 261, the consideration was mentioned as Rs.413.84, 432.18, 861.82, 407.57 and Rs.494 per square metres respectively. Therefore, the maximum consideration mentioned is Rs.861.82 per square metre in Sale Deed in Sl.No.236. It means consideration is about 80.07 rupees per square feet. However, Tribunal fixed higher compensation at Rs.166/- per square feet by relying on Sale Deed in Sl.No.160. Hence, the said contention made by learned counsel for respondent is not acceptable to this Court. Further, the claimants have not filed any independent revision questioning quantum of compensation fixed by the Tribunal.

15. In respect of Rasipuram Village, the Sale Deeds relied on by the respondents/claimants were either in respect of very small extent or just prior



to date of 15(2) notification, therefore, the Tribunal came to the conclusion that it was not safe to rely on the said Sale Deeds. The Tribunal by relying on Serial No.160 of Sale Statistics, Sale Deed dated 09.07.2008, fixed the compensation at the rate of Rs.166 per sq.ft.

16. In respect of lands acquired in Anaipalayam Village, after rejecting the sales that had taken place just prior to 15(2) notification, the Land Acquisition Tribunal relied on Serial No.186 of Sale Statistics, Sale Deed dated 19.11.2009, fixed compensation amount at Rs.70 per sq.ft.

17. In respect of Singalanthapuram Village, the Tribunal after rejecting sales which came into existence just prior to the date of 15 (2) notice relied on Serial Nos.554 and 577 of Sale Statistics, Sale Deeds dated 29.09.2009 and 25.11.2009, fixed the compensation of Rs.30 per sq.ft.

18. In respect of Chandrasekarapuram Village, the Tribunal after rejecting the sales, which came into existence just prior to 15(2) notice, by relying on Serial No.634 of Sale Statistics, Sale Deed dated 28.04.2010, fixed the compensation amount of Rs.40 per sq.ft.



C.R.P.(NPD).No.1784 of 2020 etc., batch

19. The compensation fixed by the Land Acquisition Tribunal is only based on the data collected by the Land Acquisition Officer, the value of the sale price mentioned in the Data Sale Deeds collected by Land Acquisition Officer in the Sale Statistics List is marked as Ex.R2. I do not find any error in the order passed by the Tribunal and accordingly, the same is confirmed. The petitioners have not made out any case for interfering with the compensation amount fixed by the Land Acquisition Tribunal.

20. Accordingly, all the Civil Revision Petitions are dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

16.04.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Subordinate Court,
Rasipuram.



WEB COPY



C.R.P.(NPD).No.1784 of 2020 etc., batch

S.SOUNTHAR, J.

dm

C.R.P.(NPD).No.1784 of 2020 etc., batch

16.04.2024