BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2013
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

A.S(MD)Nos.578 to 594 of 2011
and
Connected MPs 1 & 2 of 2011

The Revenue Divisional Officer,
(Land Acquisition),Sivakasi. .. Appellant/Referring Officer in all the Appeals.

Vs.

MUTHURAMALINGAM .. 1ST RESPONDENT/CLAIMANT IN AS.NO.578/2011
RAMAIAH NAICKER .. 1ST RESPONDENT/CLAIMANT IN AS.NO.579/2011
MARIAMMAL .. 1ST RESPONDENT/CLAIMANT IN AS.NO.580/2011

RAMAR CHETTIAR (DIED)
1) RAMAMMAL,
2 MURUGESAN
3 MUNIRATHINAM
4 MANJULA
5 SARAVANAN .. 1 TO 5 RESPONDENTS/1 TO 5 CLAIMANT IN AS.NO.581/2011

AYYANAR .. 1ST RESPONDENT/CLAIMANT IN AS.NO.582/2011
PERUMAL .. 1ST RESPONDENT/CLAIMANT IN AS.NO.583/2011
KATHIRVEL .. 1ST RESPONDENT/CLAIMANT IN AS.NO.584/2011
GOVINDAN .. 1ST RESPONDENT/CLAIMANT IN AS.NO.585/2011
BAMPUL NAICKER (DIED)
1 MUTHAMMAL,
2 CHINNIAH
3 MARIAPPAN
4 MUTHUMARI
5 MURUGAN .. 1 TO 5 RESPONDENTS/1 TO 5 CLAIMANT IN AS.NO.586/2011

AZHAGARSAMY,S/O.PETCHIMUTHU .. 1ST RESPONDENT/CLAIMANT IN AS.NO.587/2011
MUTHUSAMY .. 1ST RESPONDENT/CLAIMANT IN AS.NO.588/2011
SRIRENGA NAICKER .. 1ST RESPONDENT/CLAIMANT IN AS.NO.589/2011
AZHAGARSAMY,S/O.PERIYA SANJEEVI..1ST RESPONDENT/CLAIMANT IN AS.NO.590/2011
SRIRENGAN .. 1ST RESPONDENT/CLAIMANT IN AS.NO.591/2011
RAMAR .. 1ST RESPONDENT/CLAIMANT IN AS.NO.592/2011
SERVARAN .. 1ST RESPONDENT/CLAIMANT IN AS.NO.593/2011

1 MURUGAN
2 IRULANDI
3 PALANI
4 MUNIYANDI
5 CHANDRASEKAR
6 MINOR JEYANTHI
D/O.CHANDRASEKAR,

7 MINOR PETCHIAMMAL D/O.CHANDRASEKAR,
8 MINOR KALEESWARI D/O.CHANDRASEKAR,
9 MINOR PANDIAN S/O.CHANDRASEKAR,
(MINORS 6 TO 9 REP. AND
NATURAL GUARDIAN OF THE
5TH RESPONDENT CHANDRASEKAR)

.. 1 TO 9 RESPONDENTS/1 TO 9 CLAIMANT IN AS.NO.594/2011

THE COMMISSIONER,
RAJAPALAYAM MUNICIPALITY,
RAJAPALAYAM. .. 2ND RESPONDENT/BENEFICIARY IN AS.NOS.578 TO,580, 582 TO 585, 587 TO 593 OF 2011
...6TH RESPONDENT IN AS.NO.581 AND 586 OF 2011
...10TH RESPONDENT IN AS.NO.594 OF 2011

PRAYER IN AS(MD).NOS.578 TO 594 OF 2011

Appeal Suit filed under Section 54 of the Land Acquisition Act against the award dated 28.03.2011 passed in LAOP.No.1 of 2006 to 17 of 2006 respectively by the Land Acquisition Tribunal/Sub Court, Srivilliputhur.

For Appellant : Mr.N.Manoharan
Additional Government Pleader
in all Appeals

For R1 : Mr.D.Sakkaravarthy in all Appeals
For R1 to R5 in AS.No.581/2011
For R1 to R9 in AS.No.594 & 586/11

For Rajapalayam Municipality : Mr.N.Dilip Kumar

COMMON JUDGMENT

(Judgment of the Court was delivered by **A.SELVAM,J.)**

The common award dated 28.03.2011 passed in L.A.O.P.Nos.1 to 17 of 2006 by the Land Acquisition Tribunal/Sub Court, Srivilliputhur is being challenged in the present Appeal Suits.

2. The appellant herein as Referring Officer has acquired the lands mentioned in L.A.O.P.Nos.1 to 17 of 2006 and ultimately awarded a compensation of Rs.252/- per cent. Against the quantum awarded by the Land Acquisition Tribunal, references have been made under Section 18 of the Land Acquisition Act, 1894 and the same have been taken on file in L.A.O.P.Nos.1 to 17 of 2006 by the Land Acquisition Tribunal/Sub Court, Srivilliputhur.

3. The Land Acquisition Tribunal, after considering the available evidence on record, has fixed value of one cent at Rs.7,500/- as compensation by way of passing a common award. Against the common order passed by the Land Acquisition Tribunal, these Appeal suits have been preferred at the instance of the Referring Officer as appellant.

4. Before contemplating the rival submissions made on either side, it has become shun less to narrate the following admitted facts.

5. It is an admitted fact that the appellant/Referring Officer has acquired the lands in question which situates in Puthupalayam Village for the purpose of making composite yard and ultimately awarded a compensation of Rs.252/- per cent.

6. The learned Additional Government Pleader has contended that on the side of the claimants, Ex.C1 has been filed and the same is nothing but a sale deed, dated 26.06.2003 wherein 4300 square feet has been conveyed and since Ex.C1 has dealt with a house site, the value fixed therein cannot be a basis for fixing compensation in the present cases and the Land Acquisition Tribunal, without considering the extent mentioned in Ex.C1, has erroneously taken the value as basis for fixing compensation to the acquired lands and therefore, the value of compensation fixed by the Land Acquisition Tribunal is liable to be modified.

7. The learned counsel appearing for the first respondent/claimants has contended that in Ex.C1, the value of one cent of land is mentioned as Rs.8522/-. The Land Acquisition Tribunal after adding 30% towards appreciation value has fixed Rs.11,338/- and after giving 33% deduction towards development charges, the Land Acquisition Tribunal has fixed Rs.7,500/- per cent by way of compensation and therefore, the conclusion arrived at by the Land Acquisition Tribunal is perfectly correct and the same does not require any interference.

8. As pointed out earlier, the lands in question have been acquired for the purpose of making composite yard. The concerned 4(1) notification has been issued on 05.05.2005. The Land Acquisition Tribunal has relied upon Ex.C1, dated 26.06.2003. Considering the fact that 4(1) notification has been issued on 05.05.2005, whereas Ex.C1 has come into effect on 26.06.2003, it is needless to say that the value mentioned therein can be a basis for fixing compensation.

9. On the side of the Referring Officer, Ex.R4 has been filed. In Ex.R4, Survey No.44 has been dealt with. Further on the side of the Referring Officer a combined sketch has been marked as Ex.R3, wherein it has been clearly stated that Survey No.3 mentioned in Ex.C1 is situate immediately on the Eastern and Southern side of acquired land, whereas Survey No.44 mentioned in Ex.R4 is situate in a far off place. Under the said circumstances, the value given in Ex.C4 cannot be a basis for fixing compensation to the acquired land.

10. It has already been pointed out that one cent of value mentioned in Ex.C1 is Rs.8,522/-. The Land Acquisition Tribunal after adding 30% towards appreciation value has fixed Rs.11,338/- and after making deduction of 33% towards development charges, it has fixed a sum of Rs.7,500/- per cent by way of compensation. The method adopted by the Land Acquisition Tribunal for arriving compensation is perfectly correct and the same does not require any interference and therefore, the contention putforth on the side of the appellant cannot be accepted and altogether the present Appeal Suits deserve to be dismissed.

11. In fine, these Appeal Suits deserve dismissal and accordingly are dismissed without costs. The common award passed in L.A.O.P.Nos.1 to 17 of 2006 by the Land Acquisition Tribunal/Sub Court, Srivilliputhur is confirmed. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar

\\True copy\\

Sub Assistant Registrar

To

1.The Land Acquisition Tribunal/Subordinate Judge,
  Srivilliputhur.

2.The Revenue Divisional Officer,(Land Acquisition),
  Sivakasi.

+1 CC to M/s.N.Dilipkumar, Advocate Sr.No.64067

+17 CC to M/s.D.Sakkarawarthi, Advocate Sr.Nos.63958 To 63981

+1 CC to the Spl.Govt.Pleader Sr.No.64202

A.S(MD)Nos.578 to 594 of 2011
20.12.2013

ps

NA/24/01/2014/P4/22C