



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.3.2015

Coram:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

A.S.Nos.18 to 22 of 2015
and 61 to 67 of 2015

and

M.P.No.1 of 2015 (in all the appeals)

The Special Tahsildar,
Land Acquisition,
Unit-IX, TIDCO,
Petro Chem Park,
Having its Office at Saidapet,
Chennai-15

... Appellant in all AS.No.18 to 22 and 61 to 67/2015/
Ist Respondent in Trial Court.

vs.

1.K.S.Hemanthakumar
S/o.Shanmuga Sundara Mudaliar
Residing at No.171, Luz Church Road,
Mylapore, Chennai 600 004. ...Ist Respondent in A.S.No.18, 20,
21,62/2015/Claimant in Trial Court.

2.The Tamil Nadu Industrial Development
Corporation Limited,
Having its Office at
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8 ...2nd Respondents in all A.S./
2nd Respondent in Trial Court.

3.Narasinga Mudaliar Trust,
Trustee K.S.Hemanthakumar
S/o.Shanmuga Sundara Mudaliar
Residing at No.171, Luz Church Road,
Mylapore, Chennai 600 004. ...R1 in A.S.No.19, 63, 65/2015/
Claimant in Trial Court.

4.Rajewari Ammal
W/o.Shanmuga Sundara Mudaliar
Residing at No.171, Luz Church Road,
Mylapore, Chennai 600 004. ...R1 in A.S.No.22, 61, 66, 67/
Claimant in Trial Court.



5.Parthasarathy Mudaliar Trust,
Trustee K.S.Hemanthakumar
S/o.Shanmuga Sundara Mudaliar
Residing at No.171, Luz Church Road,
Mylapore, Chennai 600 004.

...R1 in A.S.No.64/2015/
Claimant in Trial Court.

Appeals filed under Section 54 of the Land Acquisition Act, against the Common Order dated 11.3.2014 made in LAOP.Nos.154/2002, 161/2002, 163/2002, 189/2002, 202/2002, 3/2002, 13/2003 151/2002, 159/2002, 162/2002, 167/2002, 216/2002, respectively passed by the IV Additional District Judge, Tiruvellore, at Ponneri.

For Appellant : Mr.P.Gunasekaran,
A.G.P. (AS)

COMMON JUDGMENT

These appeals have been filed challenging the orders passed by the IV Additional District Court, Thiruvallur, at Ponneri, enhancing the compensation amount for the lands acquired under the Land Acquisition Act.

2. The facts of the case would be as follows:

(a) A total extent of 10.99.0 Hectors situated in Kattupalli Village in Ponneri Taluk, Thiruvallur District, was acquired by the Government as per the T.N.G.G.E.O.Part II, Section 2, NO.778, No.932, dated 13.12.99, at page Nos.10 and 11, to be needed for setting up of Petro chem Park by Tamil Nadu Industrial Department Corporation Limited. The lands belonging to the respondents were also acquired under the same proceedings. The appellant thereafter took up enquiry under Section 11 of the Act for fixing the appropriate compensation to be paid to the land owners for their respective lands. The appellant gathered as many as 72 Sale Deeds, pertaining to the lands in that area, where properties have been sold three years prior to the Notification. Of the said 72 sale deeds, the appellant took two sale deeds as the data sale deeds, namely, Exs.R1 and R2. Ex.R1 relates to wet land, wherein the property had been sold at the rate of Rs.250/- per cent. Ex.R1 is dated 28.10.1996. Ex.R2 pertains to a dry land, by which the land was sold for Rs.150/- per cent. Ex.R2 is dated 6.4.1998. Based on the same, the appellant awarded compensation at the rate of Rs.250/- per cent for wet lands and Rs.150/- per cent for dry lands.

(b) The claimants were not satisfied with the same. Therefore, at their request, all these matters were referred to the IV Additional District Judge, Thiruvallur, at Ponneri. The said Court



took up the matter under L.A.O.P.Nos.154, 161, 163, 189, 202 of 2002 and L.A.O.P.Nos.3, 151, 159, 162, 167, 216 of 2002 and L.A.O.P.No.13 of 2003. The lower Court took up L.A.O.P.Nos.154, 161, 163, 189 and 202 of 2002 and passed a common order on 11.3.2014, by which, the lower Court fixed the compensation at the rate of Rs.3200/- per cent. As against the same, the Special Tahsildar, Land Acquisition, has come up with A.S.Nos.18 to 22 of 2015. By separate orders dated 11.3.2014, the lower Court passed awards in L.A.O.P.Nos.3, 151, 159, 162, 167 and 216 of 2002 and L.A.O.P.No.13 of 2013. As against the same, the Special Tahsildar has filed appeals in A.S.Nos.61 to 67 of 2005.

3. All these first appeals have come up today for admission.

4. In these appeals, I have heard the learned counsel for the appellant, after putting him on notice under Order 41 Rule 11(1) C.P.C.

5. The learned counsel for the appellant, by referring to the grounds of appeals, would submit that the lower Court has fixed the compensation at a fancy rate; whereas, according to him, the compensation amount fixed by the appellant is very reasonable, reflecting the actual market price. The learned counsel would further submit that the lower Court ought not to have taken into account Ex.C1 in order to ascertain the market value of the property concerned. He would submit that the lower Court ought to have considered Exs.R1 and R2 alone to fix the compensation amount. Thus, according to the learned counsel, in all these appeals, the orders of the lower Court are liable to be set aside.

6. I have considered the above submissions very carefully.

7. A perusal of the records would go to show that Exs.R1 and R2 relate to the property comprised in S.No.20/2. These two documents relate to a very smaller extent of land. Ex.C1 relates to a vast extent of property comprised in S.No.7/2B. The field map produced for the inspection of this Court and prepared by the first respondent herein would go to show that the property covered under Ex.C1 is situated very nearer to the acquired lands; whereas, even according to the appellant, the distance between the lands covered in Exs.R1 and R2 and that of the acquired lands is approximately 1 K.M. The lower Court had taken note of the potentiality of the land, more particularly, the fact that all the adjacent lands have been converted into house sites and huge buildings have come up. It is also common knowledge that the properties acquired now form part of the Chennai City Municipal Corporation limits. The price of the land has increased manifold.

8. In my view the lower Court was right in taking Ex.C1 to



come to the conclusion regarding the market value of the properties acquired. Though the claimants have claimed that the acquired land would fetch at least Rs.10,000/- per cent, the lower Court has given a very reasonable amount as compensation. In my view, absolutely there is nothing illegal or irregular in the amount fixed by the lower Court. The learned counsel for the appellant is not able to make out a case to show that the amount fixed by the lower Court is exorbitant or unreasonable.

9. In view of all the above, I do not find any merit at all in these appeals. All these appeals fail and accordingly, they are dismissed. No costs. The registry shall draft separate decrees in respect of each appeal. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To
The IV Additional District Judge, Thiruvallore, at Ponneri.

4 cc to Government Pleader, Sr.No14216, 14214, 14215, 14217

A.S.Nos.18 to 22 of 2015
and 61 to 67 of 2015

pmk.10.4.2015