

In the High Court of Judicature at Madras

Dated : 29.10.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice T.MATHIVANAN

A.S.Nos.399 to 487 of 2015 and AS.No.1004 of 2015
(AS.SR.No.14407 of 2015 - against LAOP.No.1720 of 1998) & all
connected pending MPs

The Special Tahsildar (LA), MRL
(CPCL) Aromatic Complex, Saidapet,
Chennai-15.

...Appellant in
all the ASs.

Ist Respondent in A.S.No		LAOP NO
1.Vijaya Kumar	399/15	50/10
2.Rama Chandra Babu	400/15	243/98
3.Gowtham Chand jain	401/15	252/98
4.K.Krishnan	402/15	253/98
5.Saley Mathew	403/15	254/98
6.Mohammad Ayab	404/15	255/98
7.Shabnam	405/15	256/98
8.Manoharan	406/15	257/98
9.J.Sasidharan	407/15	258/98
10.Abdul Waheed	408/15	259/98
11.Varalakshmi	409/15	382/98
12.Padmanabhan	410/15	559/98
13.Natarajan	411/15	567/98
14.Dasarathan	412/15	568/98
15.Selvaraj	413/15	575/98
16.Rajalakshmi	414	619/98
17.Annakilli	415	628/98
18.Arunachalam	416	691/98
19.Elumalai	417	811/98
20.Balasubramanian	418	817/98
21.Velmurugan	419	820/98
22.Rama Chandran	420	829/98
23.Hemavathi	421	831/98
24.Vijayan	422	862/98
25.Vijayan	423	863/98
26.Pervathaveni chittamma	424	864/98
27.Sakunthala	425	875/98
28.Annakilli	426	877/98

29.Munusamy	427	886/98
30.Purusothaman	428	888/98
31.Mukundan	429	938/98
32.M.E.Thiagarajan	430	948/98
33.Viswanatha Rao	431/15	964/98
34.Jeevanesan	432/15	966/98
35.Loganathan	1004/15	1720/98
36.Sampath kumar	433/15	973/98
37.M.Kanniah	434/15	1053/98
38.T.Dharanam	435/15	1054/98
39.Shanthi	436/15	1056/98
40.Lakshmiammal	437/15	1067/98
41.N.Ramadoss	438/15	1073/98
42.Esakkiammal	439/15	1110/98
43.Ramu	440/15	1130/98
44.Subramani	441/15	1133/98
45.Chandrasekaran	442/15	1140/98
46.Karthigai	443/15	1143/98
47.C.K.Varadharajan	444/15	1150/98
48.S.Veerapandian	445/15	1158/98
49.K.Vallavan	446/15	1169/98
Varadan (Died)		
50.Egavalli		
51.Kalpana		
52.Venkatesan		
53.Kumaran Respondents 1 to 4	447/15	1181/98
54.K.Sekar	448/15	1185/98
55.Jayaraman	449/15	1233/98
56.R.Kumar	450/15	1240/98
57.Amirthalingam	451/15	1253/98
58.Krishnaveni Ammal	452/15	
	to 457/15	1255/98 to
		1260/98
59.Kuppammal	458	1263/98
60.Parangusan	459/15	1302/98
61.Chandra	460	1441/98
A.A.Raghavan (Died)		
62.A.R.Lalitha		
63.A.R.Sujitha		
64.A.R.Balasubramani		
65.A.R.Sujithra Respondent 1 to 4	461	1445/98
66.Natarajan	462	1470/98
67.Seethalakshmi	463	1491/98
68.Perundevi	464	1581/98
69.Subramaniyam	465	1589/98
70.Gopal Rao	466	1590/98
71.Poppara Subhammal	467	1608/98
72.Radhakrishnan	468	1609/98
73.Nagarajan	469	1611/98
74.Shanmuga Kani	470	1651/98
75.Ragunathan	471	1715/98

76.Jayaraman	472	1718/98
77.Rajeshwar	473	1729/98
78.Gangaraj	474	1775/98
79.P.G.Rao	475	1781/98
80.E.Prabhakaran	476	1782/98
81.Ramachandralal	477	1789/98
82.Meenakumari		
83.Yasdodhe		
84.Somasundaram	Respondents 1 to 4	
85.Selvaraj	478/15	7/2009
86.Sasikumar	479/15	9/2009
87.Kanniammal	480/15	10/2009
88.Kasthuri	481/15	11/2009
89.Jothi	482/15	12/2009
90.Arumuga Naicker	483/15	13/2009
91.Natarajan	484/15	16/2009
92.Parthasarathi	485/15	17/2009
93.D.P.Balan	486/15	18/2009
94.Elumalai	487/15	89/2002
95.The Company Secretary, CPCL Chennai-18.	Respondent in As.No.399/15	
96.The Chairman & Managing Director, TamilNadu Industrial Development Corporation Ltd., (TIDCO) Egmore, Chennai-8.	...2nd Respondent in A.S.Nos.400,410 to 415/15 422 to 428, 451 to 458, 476 of 2015	
97.Raj Lubricants Private Ltd., rep by its Proprietor D.Nahavathy Chennai-103.	...2nd Respondent in A.S.Nos.401 to 408/2015	
98.The Company Secretary, Madras Refineries Ltd., Chennai-1.	...2nd Respondent in A.S.Nos.409,429 to 446, 448 to 450,459,460,462, 464 to 476,1004, 478 to 487 of 2015 ...5th Respondent in A.S.No.447/15,461,477 of 2015	
99.The Company Secretary, MRL (CPCL), Chennai-3.	...2nd Respondent in W.P.Nos.416 to 421 of 2015	

100.Gupta Investment Corporation Ltd.,
rep by its Proprietor,
Nammaya Maestrict
Chennai-1.

...2nd Respondent in
A.S.No.463 of 2015

Prayer: Appeals Under Section 54 of the Land Acquisition Act
filed against the Common Judgment and decree of the Sub Court,
Ponneri, in L.A.O.P.Nos.
50/10,243/98,252/98,253/98,254/98,255/98,256/98,257/98, 258/98,
259/98,382/98,559/98,567/98,568/98,575/98,619/98,
628/98,691/98,811/98,817/98,820/98,829/98,831/98,862/98,
863/98,864/98,875/98,877/98,886/98,888/98,
938/98,948/98,964/98,966/98,1720/98, 973/98,
1053/98,1054/98,1056/98, 1067/98,1073/98,1110/98, 1130/98,
1133/98, 1140/98,1143/98,1150/98, 1158/98, 1169/98,
447/15, 1181/98, 1185/98, 1233/98, 1240/98, 1253/98,
1255/98 to 1260/98, 1263/98, 1302/98,1441/98,1445/98,
1470/98, 1491/98, 1581/98, 1589/98, 1590/98,
1608/98,1609/98,1611/98,1651/98,1715/98,1718/98,1729/98,1775/98,
1781/98, 1782/98,1789/98,7/2009,9/2009,10/2009,11/2009,12/2009,
13/2009,16/2009,17/2009, 18/2009, 89/2002,
dated .22/9/2014 respectively.

For Appellant in all the appeals : Mr.P.Gunasekaran, AGP

For Claimants : Mr.K.Venkatasubbaraju

For CPCL : Mr.Senthilkumar for
M/s.Dua Associates

For-TNDIO, Gupta
Investment Corpn Ltd., -Saved-No APD

For M/s.Raju Lubricants : Mr.S.Sureshkumar

COMMON JUDGMENT

(Judgment was delivered by V.RAMASUBRAMANIAN,J)

These appeals arise out of the enhancement of compensation
awarded by the Land Acquisition Tribunal. The appeals are filed
by the Special Tahsildar under Section 54 of the Land
Acquisition Act, 1894.

2. Heard Mr.P.Gunasekaran, learned Additional Government
Pleader for the appellant, Mr.K.Venkatasubbaraju, learned
counsel appearing for the claimants, Mr.Senthilkumar, learned
counsel for the Chennai Petro Chemicals Limited and
Mr.S.Sureshkumar, learned counsel for M/s.Raju Lubricants.

3. The lands of an extent of 6.44.5 hectares or acres 15.93 cents in Amullavoyal Village, formerly Saidapet Taluk, were acquired by the Government of Tamil Nadu for the purpose of setting up an aromatic complex and petro based down stream projects. Though several notifications were issued, last of the Notification under Section 4(1) of the Land Acquisition Act was issued on 14.11.1990. The Land Acquisition Officer passed an award bearing No.8/93 dated 10.11.1993, fixing the compensation at Rs.250/- per cent.

4. On references under Section 18, the Land Acquisition Tribunal passed a common award on 22.9.2014 in a batch of 90 land acquisition original petitions, enhancing the compensation to Rs.4,500/- per cent. Aggrieved by such enhancement, the Special Tahsildar has come up with the above appeals.

5. It is seen from the award of the Land Acquisition Officer that he took into account, about 60 sale transactions that took place during the period from 23.8.1989 to 27.11.1990. Out of the 60 sale transactions, the Land Acquisition Officer rejected the sales at Sl.Nos.2, 3, 6, 9 to 19, 40, 41, 45, 46, 49 to 52, 55, 56 and 58 on the ground that they related to unapproved plots with huts and that they cannot be compared for fixing the value of larger extent of agricultural lands. The sales in Sl.Nos.4, 5, 8, 33, 35 and 59 were discarded, as they related to unapproved plots of meagre extent sold at fancy price. The sales in Sl.Nos.20, 22 and 47 were rejected, as they were natham poramboke and put in use for dwelling purpose and they cannot be compared with agricultural lands. The sales pertaining to Sl.No.7 was rejected, as they related to a sale at exorbitant price. The sales pertaining to Sl.No.38 was rejected, as it related to dry land and cannot be compared with wet lands. The sales at Sl.Nos.21, 32 and 57 were discarded, as the rate was higher, not reflecting the actual market value of agricultural lands. The sales at Sl.Nos.23 to 27, 30, 31, 37 and 42 to 44 were discarded, as the transactions took place between the land owners and real estate agents for the purpose of layout. The sales at S.Nos.28 and 29 were rejected, as they related to both wet and dry lands. The sales at S.No.53 was rejected as it related to a land of an extent of 0.07 cent. The sales at Sl.No.60 was rejected on the ground that it related to an approved plot and that the transaction had taken place knowing the pendency of the land acquisition proceedings. The sales at Sl.No.1 was discarded, as it related to an approved plot with a structure and on the ground that it cannot be compared with agricultural land. The sales at Sl.No.36 was rejected as it related to wet lands with bushes. The sales at Sl.No.48 was not considered as a similar transaction at S.No.54 was taken into consideration.

6. Eventually, the Land Acquisition Officer took note of the sale transaction at Sl.No.54 among the data sales. Under this sale transaction, an extent of 0.36 cents of wet land was sold for Rs.9,000/- under document No. 2493 of 1990 dated 28.5.1990, which worked out to Rs.250/- per cent. Therefore, the Land Acquisition Officer fixed the compensation at Rs.250/- per cent on the basis of this transaction.

7. Before the Land Acquisition Tribunal, the land owners examined one person as C.W.1. Six documents were marked as Ex.C.1 to Ex.C.6 on the side of the claimants. Ex.C.1 was a lease cum sale agreement. Ex.C.2 was a Notification given by the Chennai Metropolitan Development Authority in a daily. Ex.C.3 was a copy of a sale deed dated 5.11.1990. Ex.C.4 was the copy of a Government Order in G.O.Ms.No.110 Industries Department dated 11.9.2009. Ex.C.5 and Ex.C.6 were the newspaper cuttings. The Special Tahsildar was examined as R.W.1. But, no documents were marked on the side of the Special Tahsildar.

8. The Subordinate Court, Ponneri, without taking any pain to analyse the oral and documentary evidence, enhanced the compensation to Rs.4,500/- per cent, presumably due to the fact that for the lands acquired for the very same aromatic complex, the Subordinate Court had already fixed the said amount as compensation. Therefore, the Referring Officer is on appeal before us.

9. As rightly contended by the learned Additional Government Pleader, the Subordinate Court has completely omitted to enter into any discussion about the oral and documentary evidence produced on both sides. After recording a platform rhetoric about the plight of farmers and their right to livelihood, the Tribunal suddenly arrived at a rate of Rs.4,500/- per cent. Therefore, the award of the Subordinate Court is hopelessly devoid of any reasoning.

10. Under normal circumstances, we would be compelled to set aside the award and remit the matter back to the Subordinate Court for a detailed consideration. But, we do not wish to do so for two reasons. The first is that a period of 25 years has passed from the date of issue of the Notification under Section 4(1). Therefore, any order of remand will ruin the land owners. The second reason is that these are regular appeals where we ourselves are entitled to go into the evidence and come to an independent conclusion. Hence, we shall now examine the evidence on record.

11. Ex.C.1 is a lease-cum-sale agreement executed by the Chennai Metropolitan Development Authority in favour of a third party. By this agreement, the Chennai Metropolitan Development

Authority agreed to lease out a land at the rate of Rs.635/- per sq.ft. The lessee under this agreement was chosen pursuant to an advertisement in newspapers, the copy of which was marked as Ex.C.2.

12. Similarly, under Ex.C.3 sale deed, a land of an extent of about 1,750 sq.ft was sold for a sum of Rs.29,200/-. Therefore, as per this agreement, the marked value worked out to Rs.7,300/- per cent. Ex.C.4 is a Government Order in G.O.Ms.No.110 Industries dated 11.9.2009. This document was marked only to show the potential of the land. The evidence of R.W.1 - Special Tahsildar disclosed that the land had high potential. The area had already developed into an industrially advanced area. Several residential colonies have come up in the vicinity. The village is in the peripheries of Chennai and the evidence shows that the adjoining areas of Manali, Puzhal, etc., have developed into huge townships. Therefore, fixing of compensation at Rs.4,500/- per cent by the Land Acquisition Tribunal appears to be actually far below the market rate of Rs.7,300/- per cent, though, unfortunately, the Subordinate Court did not provide any reasons for arriving at the value. In other words, on an independent appraisal of the facts and the evidence on record, we come to the conclusion that the award passed by the Subordinate Court does not call for any interference.

13. Accordingly, the above appeals are dismissed. No costs. Consequently, all connected pending MPs are also dismissed. The Additional Government Pleader is entitled to separate fees in respect of each of these appeals.

Sd/-

Assistant Registrar(CS III)

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सत्यमेव जयते

Sub Assistant Registrar

To

1.The Subordinate Judge,
Ponneri.

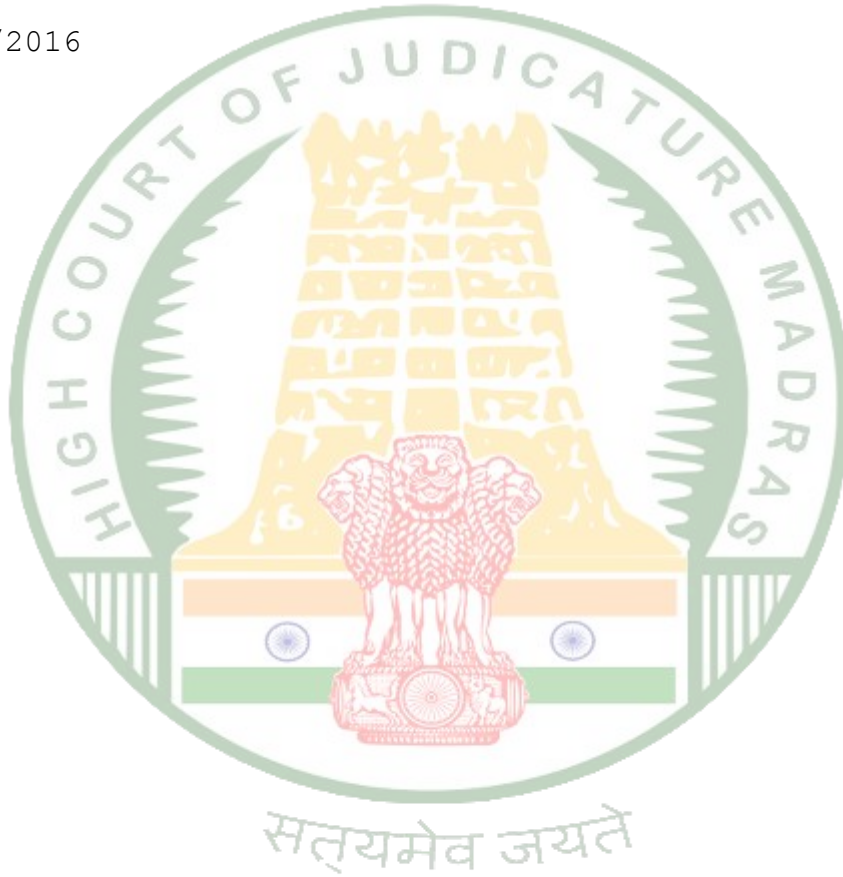
2.The Section Officer,
V.R.Section, High Court, Madras.

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+lcc to Mr.S.Sureshkumar, Advocate Sr.59419
+lcc to Mr.R.Senthilkumar, Advocate Sr.59439
+lcc to Mr.K.Venkatasubba Raju, Advocate Sr.58812
+lcc to the Government Pleader Sr.59150

A.S.Nos.399 to 487 of 2015
and AS.No.1004 of 2015
(AS.SR.No.14407 of 2015) &
& all connected pending MPs

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srg 21/07/2016



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