THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.7.2015

CORAM

THE HONBLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

A.S.Nos.166 to 215 and 227 to 278 of 2014

A.S.No.166 of 2014

The Special Tahsildar
Land Acquisition
MRL Aromatic Project
Saidapet, Chennai 600 015. .. Appellant in all A.S.s'

Vs.

K.GANESAN ...1ST 1ST RESPONDENT in AS No.166 of 2014

ADINAICKER (DECEASED)
1 Saroja

2 SANKAR
3 AMUTHA
4 SARASU
5 KUMAR
6 SUMATHI
7 RAVI
8 BABU
9 RAJA ... RESPONDENTS 1 to 9 in AS No.167 of 2014

V.KUPPAMMAL ...1ST 1ST RESPONDENT in AS No.168 of 2014
K.LOGANATHAN ...1ST RESPONDENT in AS No.169 of 2014
PERUMAL ...1ST RESPONDENT in AS No.170 of 2014
G.GUNASEKARAN ...1ST RESPONDENT in AS No.171 of 2014
MUNIAMMAL ...1ST RESPONDENT in AS No.172 of 2014
KUPPAMMAL ...1ST RESPONDENT in AS No.173 of 2014
RAMACHANDRAN ...1ST RESPONDENT in AS No.174 of 2014
KASINATHAN ...1ST RESPONDENT in AS No.175 of 2014
ETTI ...1ST RESPONDENT in AS No.176 of 2014
SHANMUGAM ...1ST RESPONDENT in AS No.177 of 2014
M.GOVINDARAJ ...1ST RESPONDENT in AS No.178 of 2014
K.NARASINGAN ...1ST RESPONDENT in AS No.179 of 2014
K.GNANAMURTHY ...1ST RESPONDENT in AS No.180 of 2014

N.SUBRAMANIAN	...1ST RESPONDENT in AS No.181 of 2014
H.PATHIMA	...1ST RESPONDENT in AS No.182 of 2014
J.NASEEM	...1ST RESPONDENT in AS No.183 of 2014
ESWARI VENU	...1ST RESPONDENT in AS No.184 of 2014
P.JAYA	...1ST RESPONDENT in AS No.185 of 2014
J.SAROJA	... 1ST RESPONDENT in AS No.186 of 2014
ROSE PILLAI	...1ST RESPONDENT in AS No.187 of 2014
KAMALABAI	...1ST RESPONDENT in AS No.188 of 2014
ETHIRAJ PILLAI	...1ST RESPONDENT in AS No.189 of 2014
K.LOGANATHAN	...1ST RESPONDENT in AS No.190 of 2014
K.RAMAN	...1ST RESPONDENT in AS No.191 of 2014
P.ANANDAN	...1ST RESPONDENT in AS No.192 of 2014
T.HEMAVATHY	...1ST RESPONDENT in AS No.193 of 2014
SAVITHRI	...1ST RESPONDENT in AS No.194 of 2014
DEVAKI	...1ST RESPONDENT in AS No.195 of 2014
C.K.VINAYAGAM	...1ST RESPONDENT in AS No.196 of 2014
SENTHOORKANI	...1ST RESPONDENT in AS No.197 of 2014
KASTHURI	...1ST RESPONDENT in AS No.198 of 2014
A.SAKKUBAI	...1ST RESPONDENT in AS No.199 of 2014
K.VANAJI	...1ST RESPONDENT in AS No.200 of 2014
MALLIGA	...1ST RESPONDENT in AS No.201 of 2014
G.SELVAKUMAR	...1ST RESPONDENT in AS No.202 of 2014
K.RAJAR	...1ST RESPONDENT in AS No.203 of 2014
JAYATH PATHIMA	...1ST RESPONDENT in AS No.204 of 2014
MEENATCHI	...1ST RESPONDENT in AS No.205 of 2014
K.JAYANTHI	...1ST RESPONDENT in AS No.206 of 2014
G.MOHAN	...1ST RESPONDENT in AS No.207 of 2014
SASIREKHA	...1ST RESPONDENT in AS No.208 of 2014
ARUMUGAM	...1ST RESPONDENT in AS No.209 of 2014
M.N.MARIYAPPAN	...1ST RESPONDENT in AS No.210 of 2014
B.VIJAYAKUMAR	...1ST RESPONDENT in AS No.211 of 2014
T.SHANMUGAM	...1ST RESPONDENT in AS No.212 of 2014
K.NATARAJAN	...1ST RESPONDENT in AS No.213 of 2014
GEETHA	...1ST RESPONDENT in AS No.214 of 2014
A.K.SUBRAMANIAN	...1ST RESPONDENT in AS No.215 of 2014
SAYNAGADOOR KANI	...1ST RESPONDENT in AS No.227 of 2014
V.MANI ACHARI	...1ST RESPONDENT in AS No.228 of 2014
C.ANANDHI	...1ST RESPONDENT in AS No.229 of 2014
DEVAKI	...1ST RESPONDENT in AS No.230 of 2014
ASOKAN	...1ST RESPONDENT in AS No.231 of 2014
R.KRISHNAN	...1ST RESPONDENT in AS No.232 of 2014
NAVANEEDHAM	...1ST RESPONDENT in AS No.233 of 2014
SANTHI	...1ST RESPONDENT in AS No.234 of 2014
LOGANATHAN	...1ST RESPONDENT in AS No.235 of 2014
MANNAR	...1ST RESPONDENT in AS No.236 of 2014
ANDAL	...1ST RESPONDENT in AS No.237 of 2014
KANNAN	...1ST RESPONDENT in AS No.238 of 2014
K.UNNIKUMAR	...1ST RESPONDENT in AS No.239 of 2014
K.JAYAPAL	...1ST RESPONDENT in AS No.240 of 2014
UNNIKUMAR	...1ST RESPONDENT in AS No.241 of 2014
PUNITHA	...1ST RESPONDENT in AS No.242 of 2014

D.KANAGAVALLI	...1ST RESPONDENT	in AS No.243 of 2014
PENSILAYIA	...1ST RESPONDENT	in AS No.244 of 2014
SUBRAMANIAN	...1ST RESPONDENT	in AS No.245 of 2014
P.BASKARAN	...1ST RESPONDENT	in AS No.246 of 2014
ASHOK KUMAR	...1ST RESPONDENT	in AS No.247 of 2014
PAVITHA	...1ST RESPONDENT	in AS No.248 of 2014
SUNDARAMMAL	...1ST RESPONDENT	in AS No.249 of 2014
JAMEEL BASHA	...1ST RESPONDENT	in AS No.250 of 2014
ASIYA RASAK	...1ST RESPONDENT	in AS No.251 of 2014
KAMALA	...1ST RESPONDENT	in AS No.252 of 2014
SUBASH CHANDRABOSS	...1ST RESPONDENT	in AS No.253 of 2014
N. KODHANDAN	...1ST RESPONDENT	in AS No.254 of 2014
MUGUNDAN	...1ST RESPONDENT	in AS No.255 of 2014
JAMEEL BASHA	...1ST RESPONDENT	in AS No.256 of 2014
RAJENDRAN	...1ST RESPONDENT	in AS No.257 of 2014
S. SENGAIYA	...1ST RESPONDENT	in AS No.258 of 2014
NAGESHWARAR	...1ST RESPONDENT	in AS No.259 of 2014
KUPPAREDDY	...1ST RESPONDENT	in AS No.260 of 2014
ELSI VARGEESE	...1ST RESPONDENT	in AS No.261 of 2014
VASUNDRA BAI	...1ST RESPONDENT	in AS No.262 of 2014
SUMATHI RAVINDRAN	...1ST RESPONDENT	in AS No.263 of 2014
VELAN	...1ST RESPONDENT	in AS No.264 of 2014
DOOYAR	...1ST RESPONDENT	in AS No.265 of 2014
KUMARESAN	...1ST RESPONDENT	in AS No.266 of 2014
VIJAYARAGAVAN	...1ST RESPONDENT	in AS No.267 of 2014
MANGAIYARKKARASI	...1ST RESPONDENT	in AS No.268 of 2014
SHEELA RAJAN	...1ST RESPONDENT	in AS No.269 of 2014
P.SUBBARAV	...1ST RESPONDENT	in AS No.270 of 2014
MANGAIYARKKARASI	...1ST RESPONDENT	in AS No.271 of 2014
G.SUNDAR	...1ST RESPONDENT	in AS No.272 of 2014
NARAYANAN	...1ST RESPONDENT	in AS No.273 of 2014
KALAIVENDAN	...1ST RESPONDENT	in AS No.274 of 2014
BALASUBRAMANI	...1ST RESPONDENT	in AS No.275 of 2014
VIJAYALAKSHMI	...1ST RESPONDENT	in AS No.276 of 2014
DOOYAR	...1ST RESPONDENT	in AS No.277 of 2014
RANGARAJ	...1ST RESPONDENT	in AS No.278 of 2014

THE ADVISER, AEROCHEM
88, Anna Salai, SPIC Centre,
Guidy, Chennai 600 032.

... 2nd Respondent in all Appeal Suits/
10th Respondent in A.S.No.167 of 2014.

Appeal under Section 54 of the Land Acquisition Act against the Judgment and Decree dated 07.01.2013 made in LAOP Nos.64 of 2000, 108, 118, 119, 120, 149, 142, 154, 155, 345, 346, 347, 348, 350, 351, 352, 355, 382, 385, 387, 391, 393, 394, 504, 516, 683, 679, 710, 715, 718, 719, 726, 981, 989, 990, 992, 997, 1000, 1010, 1014, 1015, 1016, 1017, 1038, 1127, 1039, 682, 681, 1270, 717, 1298, 1357, 1363, 1449, 450, 1452, 1453, 1637, 1638, 1671, 1672, 1673, 167, 1703, 1704, 1736, 1737, 1738 of 1998, 49, 60 of 2000, 76, 71, 72, 73, 74, 78,80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 92, 94, 95, 96, 99 of 2001, 16, 23, 25, 26, 28, 33, 34, 36, 37, 90, 91 of 2002 on the file of Sub Court, Ponneri.

For Appellant : Mr.P.Gunasekaran, AGP(AS)
For Respondent-1 : Mr.K.Venkatasubba Raju

COMMON JUDGMENT

(Delivered by V.Ramasubramanian,J.)

These appeals are filed by the Special Tahsildar (Land Acquisition), questioning the correctness of a common award passed in a batch of about 102 Land Acquisition Original Petitions, by the Sub Court, Ponneri.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant and Mr.K.Venkatasubba Raju, learned counsel appearing for the claimants. Despite service of notice, AEROCHEM., the requisitioning body, has not chosen to enter appearance.

3. By a notification dated 19.12.1990 issued under Section 4 (1) of the Land Acquisition Act, 1894, the land of a large extent in several villages, such as Kosappur, Manali, Mathur, Amullavoyal and Elanthancheri were sought to be acquired partly for the purpose of setting up an aromatic complex in and around Manali, where the byproducts of petroleum were expected to be available due to the location of the Madras Refineries Limited. The Land Acquisition Officer, by separate awards passed in Award No.3 of 1993 dated 09.02.1993, Award No.8 of 1993 dated 10.8.1993, Award No.11 of 1993 dated 15.9.1993, Award No.13 of 1993 dated 22.11.1993 and Award No.3 of 1994 dated 27.9.1994, determined the compensation payable at Rs.200/- per cent, insofar as the lands in Amullavoyal and Vaikkadu villages are concerned.

4. Not satisfied with such a fixation of compensation, the land owners sought a reference under Section 18 of the Land Acquisition Act. All the references were grouped together based upon various parameters, such as villages in which the lands were located etc.

5. By a common award passed on 07.01.2013 in a batch of about 102 references in LAOP No.64 of 2000 etc. batch, the Land Acquisition Tribunal enhanced the compensation to Rs.4,500/- per cent. Aggrieved by such enhancement, the Special Tahsildar (Land Acquisition) has come up with these 102 appeals arising out of the order passed on 07.01.2013 in the batch of 102 references.

6. The Land Acquisition Officer, in his award bearing No.10 of 1994 dated 24.08.1994, took into account 278 sales as data sales. Out of those data sales, there was one document bearing No.294/1990 dated 31.1.1990, whereby a land was sold at the rate of Rs.200/- per cent. Therefore, the Land Acquisition Officer took that sale deed as an indicator and fixed the compensation at Rs.200/- per cent.

7. But, the Land Acquisition Tribunal found that even among the data sale deeds taken into account by the Land Acquisition Officer, there were other sale deeds whereunder certain lands had been sold at the rate of Rs.7,000/- or Rs.5,500/- or Rs.8,000/- per cent. Therefore, the Tribunal found that the fixation of Rs.200/- per cent was completely disproportionate.

8. Before the Land Acquisition Tribunal, one land owner by name Ganesan was examined as CW1. He filed 9 documents as Exx.C1 to C9. The Tahsildar (Land Acquisition) was examined as RW1, but no documents were marked on the side of the acquisition officer.

9. The details of the 9 documents marked as Exx.C1 to C9 by the land owners before the Tribunal are as follows:

(i) Ex.C1 was a lease cum sale agreement dated 27.11.1991 entered into by the Madras Metropolitan Development Authority in favour of Steel Authority of India;

(ii) Ex.C2 is a sale deed document No.4853 of 1990 dated 5.11.1990;

(iii) Ex.C3 is a sale deed document No.5122 of 1990 dated 9.12.1990;

(iv) Ex.C4 is a sale deed document No.1366 of 1990 dated 26.03.1990;

(v) Ex.C5 is a sale deed document No.3930 of 1990 dated 05.09.1990;

(vi) Ex.C6 is a sale deed document No.3950 of 1990 dated 07.09.1990;

(vii) Ex.C7 is an advertisement dated 21.11.2010 published in Hindu Newspaper;

(viii) Ex.C8 is a computer print out of the guideline valuation; and

(ix) Ex.C9 is a copy of the Government Order.

10. On the basis of Exx.C2 to C6, the Tribunal came to the conclusion that lands in Amullavoyal were sold for a consideration ranging from Rs.5,500/- to Rs.8,000/-. The Tribunal also took note of the fact that under Ex.C1, the Chennai Metropolitan Development Authority had leased out a land, for a consideration of Rs.14,174/- per cent. Therefore, taking into account the fact that the sale consideration ranged from Rs.5,500/- to 8,000/-, the Tribunal fixed an arbitrary amount of Rs.4,500/- per cent. Therefore, the Special Tahsildar is on appeal before us.

11. The main grievance of the appellant, as projected by Mr.Gunasekaran, learned Additional Government Pleader is that the sale deeds on which reliance was placed by the Land Acquisition Tribunal, were all dated subsequent to the notification under Section 4(1) and that the only sale deed that was taken into account by the Land Acquisition Officer among the data sales was dated 31.1.1990. Therefore, it is the contention of the learned Additional Government Pleader that the Land Acquisition Officer correctly arrived at the compensation on the basis of the principles laid down by this Court and the Apex Court.

12. But the above submissions are factually incorrect. The sale deed documents Exx.C2 to C6 relied upon by the land owners were all prior to the notification issued under Section 4(1). As we have stated earlier, the notification under Section 4(1) was issued on 19.12.1990. Exx.C2 to C6 were all executed prior to the date of the notification under Section 4(1).

13. As per Exx.C2 to C6, the rate per cent works out to Rs.7,000/-. This is why the Land Acquisition Tribunal observed in paragraph 19 of its judgment that the market value ranged from Rs.5,500/- to Rs.7,000/- per cent.

14. Even among the data sales, there were certain sale deeds executed during the period from 02.01.1990 to 01.01.1991, where the lands in the adjoining area had been sold for amounts ranging from Rs.5,000/- to Rs.8,099/-.

15. Therefore, the bottom line taken by the Land Acquisition Tribunal that the market value of the land in the area, at the barest minimum, would be Rs.7,000/- per cent is perfectly justified. Once we find that the bottom line was at least Rs.7,000/- per cent, then the next question is as to whether the fixation of the market rate at Rs.4,500/- per cent is correct or not.

16. It is seen from the records that the Madras Metropolitan Development Authority, under Ex.C1, entered into a lease cum sale agreement with Steel Authority of India, for leasing out

three plots of lands, for a total lease cum sale consideration fixed at the rate of Rs.350/- per sq.m. This works out to more than Rs.14,174/- per cent.

17. No doubt a land offered on a lease cum sale basis by the Madras Metropolitan Development Authority, cannot be compared with the land that is acquired from the respondents in these appeals. However, the Tribunal could not have ignored Ex.C1. The date of execution of Ex.C1 is no doubt later than the date of 4 (1) notification. Ex.C1 was dated 27.11.1991. Therefore, even if we take the rate indicated in Ex.C1 to be on the higher side, the fixation of the rate at Rs.4,500/- per cent, by the Tribunal, which is only 1/3rd of the rate demanded by Madras Metropolitan Development Authority after one year of the date of Section 4(1) notification, cannot be said to be very high.

18. We find from the award of the Tribunal that the extent of lands acquired from various individuals, who are parties to the present proceedings, ranged from 5 cents to half an acre. All the land owners had obviously purchased small pieces of land ranging from 5 cents to half an acre in the hope of constructing houses. They could not have purchased small extents of land for the purpose of cultivating the same. Therefore, when the Tribunal has awarded a rate on per cent basis and not on square feet basis, especially to innumerable land owners who owned only very small extent of land, the amount fixed by the Tribunal cannot be said to be high.

19. The Tribunal had correctly applied the principles laid down in various decisions of this Court and the Supreme Court for arriving at the compensation of Rs.4,500/- per cent, after finding that even among the data sales, there were sales fixing the rate anywhere between Rs.5,500/- to Rs.7,000/- per cent. Hence, we find no merits in the appeal. Therefore, these appeals are dismissed. No costs. Consequently, connected M.Ps. are also dismissed. The Additional Government Pleader is entitled to separate fees in respect of each of these appeals.

gr.

-s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Subordinte Judge, Ponneri.

2. The Special Tahsildar, (Land Acquisition)
MRL. Aromatic Project, Saidapet, Chennai 15.

3. The Section Officer,
   V.R.Section, High Court,
   Madras 104.

cnr(co)
prk5/7

A.S.Nos.166 to 215 and
227 to 278 of 2014