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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.6.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

A.S.Nos.45 to 59 of 2015
and
all connected pending MPs

The Special Tahsildar, Land Acquisition,
Unit-IX, TIDCO, Petro Chem Park,
Saidapet, Chennai-15.

... Appellant/1st Respondent
in all AS

Vs

K.S.Hemanthakumar

... 1st Respondent in AS.45 &
46/15 & 55/15, 57/15 / Claimant

Rejeswari Ammal

... 1st Respondent in AS.47 &
48/15 & 53/15 / Claimant

R.Hamsa

... 1st Respondent in AS.49 &
52/15 & 56/15 / Claimant

Narasinga Mudaliar Trust
Trustee K.S.Hemantha Kumar

... 1st Respondent in AS.50,
51, 54 & 58/15 / Claimant

Kothainayaki Ammal

... 1st Respondent in AS.59/15
/ Claimant

The Tamilnadu Industrial Development
Corporation Limited, having its office
at NO.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

... 2nd Respondent in all
AS / 2nd Respondent



A.S.Nos.45 to 59 of 2015 : Appeals filed against the Judgment and Decree of the IV Additional District Judge, Ponneri in

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1. LAOP.No.26 of 2001 dated 11.03.2014,
2. LAOP.No.149 of 2002 dated 11.03.2014,
3. LAOP.No.150 of 2002 dated 11.03.2014,
4. LAOP.No.155 of 2002 dated 11.03.2014,
5. LAOP.No.160 of 2002 dated 11.03.2014,
6. LAOP.No.168 of 2002 dated 11.03.2014,
7. LAOP.No.179 of 2002 dated 11.03.2014,
8. LAOP.No.187 of 2002 dated 11.03.2014,
9. LAOP.No.188 of 2002 dated 11.03.2014,
10. LAOP.No.199 of 2002 dated 11.03.2014,
11. LAOP.No.203 of 2002 dated 11.03.2014,
12. LAOP.No.206 of 2002 dated 11.03.2014,
13. LAOP.No.9 of 2003 dated 11.03.2014,
14. LAOP.No.10 of 2003 dated 11.03.2014,
15. LAOP.No.12 of 2003 dated 11.03.2014.

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

For Respondent-1 in all the appeals : Mr.Margabandhu

For Respondent-2 in all the appeals : No appearance

COMMON JUDGMENT

(JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN, J)

All these appeals are filed by the Special Tahsildar (Land Acquisition) under Section 54 of the Land Acquisition Act, 1894, questioning the correctness of the enhancement of compensation awarded by the Land Acquisition Tribunal.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader (AS) for the appellant and Mr.R.Margabandhu, learned counsel appearing for the claimants.

3. It appears that the land of a total extent of 10.99.0 hectares situate in Kattupalli Village, Ponneri Taluk, Tiruvallur District was acquired by the Government of Tamil Nadu, for the purpose of setting up a Petro Chem Park by the Tamil Nadu Industrial Development Corporation Limited. After perusing 72 data sale deeds, the Land Acquisition Officer divided the land into two categories namely dry lands and wet lands and by separate awards, passed in Award Nos.2 to



10 of 2001 and 1 of 2002, the Land Acquisition Officer fixed a compensation of Rs.150/- per cent for dry lands and Rs.250/- per cent for the wet lands.

4. Aggrieved by such fixation of compensation, the land owners sought a reference under Section 18. By a common judgment delivered in L.A.O.P.Nos.26 of 2001 batch of cases, the Fourth Additional District Court, Tiruvallur at Ponneri enhanced the compensation uniformly to Rs.3,200/- per cent, without any distinction between wet lands and dry lands. Therefore, the Special Tahsildar (Land Acquisition) has come up with the above appeals.

5. Before proceeding to consider the contentions of Mr.P.Gunasekaran, learned Additional Government Pleader (AS), it is necessary to take note of one aspect. As against some of the awards passed by the Land Acquisition Tribunal, the State filed similar appeals, which came up before a learned Single Judge of this Court on account of the total value involved. By a judgment dated 12.3.2015, S.Nagamuthu,J, dismissed the appeals in A.S.Nos.18 to 22 and 61 to 67 of 2015. Hence, in so far as the very same common judgment rendered by the very same Land Acquisition Tribunal in L.A.O.P.Nos.154, 161, 163, 189 and 202 of 2002 batch of cases dated 11.3.2014, the enhancement of compensation to Rs.3,200/- per cent has been upheld by a learned Judge of this Court.

6. Keeping the above in mind, if we look at the contentions of the learned Additional Government Pleader, it is seen that the main grievance of the appellant is that the Tribunal did not even take note of the distinction between dry lands and wet lands. According to the learned Additional Government Pleader, some of the lands acquired were dry lands and some were wet lands. The Land Acquisition Officer took note of the difference in the nature of the soil and fixed different amounts. Therefore, the learned Additional Government Pleader contended that the impugned awards are clearly illegal.

7. However, it is seen from the records that the Tribunal proceeded on the basis of Ex.C.1. Ex.C.1 was a sale deed dated 8.10.1997. The Notification under Section 4(1) of the Act was issued on 18.6.1998. Therefore, Ex.C.1 sale deed dated 8.10.1997 was the closest sale deed that could have been taken into account by the Land Acquisition Officer also.

8. The Special Tahsildar himself was examined as R.W.1. She admitted in her deposition that she fixed the market value on the basis of a sale deed dated 24.10.1996. Therefore, the Tribunal was right in rejecting the same and taking into account Ex.C.1.



9. As a matter of fact, Ponneri is on the periphery of Chennai Metropolitan City. The fixation of Rs.3,200/- per cent cannot be said to be arbitrary or of a high order. Hence, even independent of the conclusion reached by the learned Single Judge in his judgment dated 12.3.2015 in A.S.Nos.18 to 22 and 61 to 67 of 2015, we are not convinced that this is a fit case for any interference.

10. Accordingly, all the appeals are dismissed. No costs. Consequently, all connected pending MPs are also dismissed. The Additional Government Pleader will be entitled to separate fees in respect of each of the appeals.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Fourth Additional District Court,
Tiruvallur at Ponneri

2.The Tamilnadu Industrial Development
Corporation Limited,
NO.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

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

A.S.Nos.45 to 59 of 2015
& all connected pending MPs

SAI (CO)
CA(11/08/2015)