

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON: 09.10.2015 & PRONOUNCED ON:30.10.2015

CORAM :

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

A.S.Nos.488 and 490 to 497 and 543 to 597 and 943 of 2015
and M.P.Nos.2 and 3 of 2015 in A.S.No.543 of 2015
& all other connected pending MPs

The Secretary, Corporate Office,
Neyveli Lignite Corporation Ltd.,
Neyveli-1. ..Appellant in all AS.

Vs.

Sambasivam ..1st Respondent in AS.488/15

1. Venkatachalam
2. Pappa
3. Sundaramoorthy
4. Gunasekaran

..Respondents 1to4 in
AS.490/15, 568/15

Bakkiyaraj .. 1st Respondent in
A.S.491/15, 562, 569,
570, 578/15

1. Loganayagi
2. Jothi
3. Tamilrasan
4. Alamelu
5. Chakkaravathy
6. Moovendran
7. Palaniammal

..Respondents 1 to 7 in AS.493/15, 590/15

Loganayagi ..1st Respondent in AS.494/15, 495, 496/15

Rajavel ..1st Respondent in AS.497/15

Lakshmanan ..1st Respondent in AS.543/15
Rajendran ..1st Respondent in AS.545/15,
548, 549/15

Selvaraj ..1st Respondent in
AS.544,546, 547, 550/15

Senthi ..1st Respondent in AS.551/15

Ramalingam ..1st Respondent in AS.552, 588/15

Amirthavalli ..1st Respondent in AS.553,558/15

1. Santhi
2. Rajan
3. Rajamohan
4. Asokan
5. Thiagarajan
6. Vijaya ..Respondents 1 to 6 in AS.554/15

Gunasekaran ..1st Respondent in AS.555,
574, 575/15

Jothi prakasam ..1st Respondent in AS.556,557/15

Senthilkumar
rep. by power agent Ram as per in
I.A.678/14 dated 28.11.2014 ..1st Respondent in AS.559/15

Chinnathambi ..1st Respondent in
AS.560, 529, 596/15

Elumalai ..1st Respondent in AS.561/15

Radhakrishnan ..1st Respondent in
AS.563,571,572 586/15

1. Venkatachalam
2. Sundarmoorthy
3. Kunasekara
4. Pappa ..Respondents 1 to 4 in AS.564/15

Krishnasamy ..1st Respondent in AS.565,566, 943/15

Shanmugam ..1st Respondent in AS.567/15

Venkatachalam ..1st Respondent in AS.573/15

Balakrishnan ..1st Respondent in AS.576/15

Subramaniam ..1st Respondent in AS.577/15

1. Pappa
2. Venkatachalam
3. Sundaramoorthy
4. Gunasekaran ..Respondents 1 to 4 in AS.579, 592/15

Ramu ..1st Respondent in AS.580/15

Ragavelu ..1st Respondent in AS.581,587/15

Ilavarasan@Sivagnanaprakasam ..1st Respondent in AS.582/15

Arikrishnan ..1st Respondent in AS.583/15

Purushothaman ..1st Respondent in AS.584/15

Vaithilingam ..1st Respondent in AS.585/15

1. Pachaikannu
2. Mangaiyarkarasi
3. Bakkiyaraj
4. Sivagnanaprakasam ..Respondents 1to4 in AS.591/15

1. V. Boobathi
2. V. Ravichandran
3. V. Senthilraja
4. Ajithkanna ..1st Respondents 1to4 in AS.593/15

G. Subramanian ..1st Respondent in AS.594/15
Vijaya ..1st Respondent in AS.595/15
Devarajan ..1st Respondent in AS.597/15

The Special Tahsildar
No.III, Land Acquisition,
Neyveli-2 ..2nd Respondent in AS.488/15,
495, 496, 497, 546, 547, 548, 549,
550, 556, 557, 561, 562, 564,
576, 577, 580, 594, 595/15.

The Special Tahsildar
NO.XV Land Acquisition,
Neyveli-2 ..5th Respondent in AS.490/15,
491, 568, 579, 591,592, 593/15

..7th Respondent in AS.554/15
..8th Respondent in AS.492/15,
493, 590/15

..2nd Respondent in AS.494/15,543,
544, 545, 552, 553, 555, 558,
559, 560, 563, 565, 567, 570,
571, 572 573, 574, 575, 578,
579, 581, 582, 583, 584, 585,
586, 587, 588, 589,
590,596,943/15

The Special Tahsildar No.XX
Land Acquisition, Neyveli-2. ..2nd Respondent in AS.551/15

Prayer in A.S.No.488 of 2015 : APPEAL under Section 54 of the Land Acquisition Act against the judgment and decree dated 28.4.2015 made in L.A.O.P.No.87 of 2013 on the file of the Special Subordinate Court for LAOP Cases, Cuddalore.

M.P.No.2 of 2015 in A.S.No.543 of 2015 filed by the petitioner/ appellant in the appeal to produce the schedule mentioned documents and receive the same as additional evidence in A.S.Nos.543 to 597 of 2015 against L.A.O.P.Nos.4, 7, 8, 10 to 14, 42, 61, 68, 72, 78, 118, 119, 123, 129, 154, 330, 347, 348, 369, 630 and 631 of 2013 and 5, 7, 11 to 22, 24, 50 to 53, 55, 60, 62, 97, 145, 147, 180, 257, 260, 306, 320 and 459 of 2014 on the file of the Special Subordinate Court for LAOP Cases, Cuddalore pending disposal of the appeal.

M.P.No.3 of 2015 in A.S.No.543 of 2015 filed by the petitioner/1st respondent in the appeal to permit him to file additional documents and receive the documents 1 to 20 filed along with this petition and mark the same on the side of the petitioner/first respondent in the appeal.

For Appellant in all appeals (Corporation)	:	Mr.N.A.K.Sarma for Mr.N.Nithyanandam
For Respondent-1 in all the appeals (land owners)	:	Mr.AR.L.Sundaresan, SC for Mr.V.Anand
For Respondent-2 in in all the appeals (Special Tahsildar)	:	Mr.P.Gunasekaran, AGP

COMMON JUDGMENT

V.RAMASUBRAMANIAN, J

All these appeals are filed by the Requisitioning Body namely the Neyveli Lignite Corporation, questioning the correctness of the awards passed by the Land Acquisition Tribunal.

2. We have heard Mr.N.A.K.Sarma, learned counsel appearing for the appellant, Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the Special Tahsildar and Mr.AR.L.Sundaresan, learned Senior Counsel, assisted by Mr.V.Anand, learned counsel appearing for the land owners.

3. A vast extent of land in a village known as Periyakurichi village, Vridhachalam Taluk, Cuddalore District was sought to be acquired for the purpose of expansion of the mining activities of the Neyveli Lignite Corporation, which is the appellant herein, under Notifications issued under Section 4(1) of the Land Acquisition Act, 1894, on various dates such as 21.2.1991, 11.5.1991, 10.6.1991, 15.7.1991, 30.12.1991, 2.1.1992, 6.1.1992, 21.1.1992, 20.7.1995, 31.7.1995, 20.5.1996, 18.5.1998 and 8.8.2000.

4. After completion of formalities, the Land Acquisition Officer passed separate awards bearing Nos.1/92, 2/92, 3/92, 4/92, 5/92, 3/93, 5/93, 7/93, 8/93, 3/94, 5/94, 8/94, 9/94, 10/94, 11/94, 13/94, 14/94, 3/97, 4/97, 9/97, 10/97, 12/97, 8/99 and 1/2000, passed on various dates ranging from 12.2.1992 to 15.6.1994 and from 27.6.1997 to 20.10.2000.

5. In the first batch of 57 cases where the awards were passed during the period from 1992 to 1994, the Land Acquisition Officer fixed a compensation of Rs.25,000/- per acre in a majority of cases, Rs.26,400/- per acre in a few cases, Rs.30,000/- in one case where there were trees and Rs.87,200/- in one or two cases taking into account the existence of buildings, trees, etc. In the next batch of 8 cases where the awards were passed during the period from June 1997 to October 2000, the Land Acquisition Officer fixed a compensation of Rs.50,000/- per acre in six cases and Rs.52,200/- in one case and Rs.56,760/- in one case.

6. Not satisfied with the market rate fixed by the Land Acquisition Officer, the land owners sought references under Section 18. The Collector made references and those references were taken on file by the Subordinate Court, Cuddalore in L.A.O.P.Nos.4, 7, 8, 10 to 14, 42, 61, 68, 72, 78, 87, 118, 119, 123, 129, 154, 330, 347, 348, 369, 629, 630 and 631 of 2013 and 5, 6, 7, 9, 11 to 22, 24, 50 to 53, 55, 60, 62, 97, 145, 147, 180, 192, 193, 196 to 198, 257, 260, 284, 306, 320 and 459 of 2014.

7. By the awards passed in common in several batches of cases on 28.4.2015, the Land Acquisition Tribunal enhanced the compensation to Rs.5,50,000/- per acre uniformly. Aggrieved by such enhancement of compensation, which is about 11 times the amount awarded by the Land Acquisition Officer in some cases and 22 times the amount awarded by the Land Acquisition Officer in the other cases, the Requisitioning Body has come up with this batch of about 65 appeals.

8. The appellant has a lot of grievance about the manner in which, the Tribunal disposed of the land acquisition original petitions. According to the appellant, the Tribunal was in a great hurry to dispose of these cases and did not give adequate time to the appellant to lead evidence. One other grievance of the appellant is that the same Tribunal, which was seized of about 147 cases, dismissed the applications filed by the appellant for reopening the case for leading evidence, both oral and documentary. The interlocutory applications for reopening of the cases for the purpose of leading evidence were dismissed with costs of Rs.5,000/- each on 24.4.2015.

9. Worried about the haste, with which, the Tribunal was proceeding, the appellant filed an application for transfer. This Court ordered notice in the transfer petition and granted a stay on 28.4.2015. But, the Tribunal pronounced orders on the same day i.e. 28.4.2015 in the entire batch of cases.

10. According to the appellant, the claim statements were filed by the land owners only in September 2014 and the enquiry commenced only in February 2015. But, the Presiding Officer of the Tribunal adopted a hostile attitude, first dismissing the applications filed by the appellant under Order VII Rule 11 of the Civil Procedure Code to reject the references on the ground of limitation. After dismissing the applications filed under Order VII Rule 11 on 24.4.2015 and after rejecting the applications for reopening the case on 24.4.2015, the Tribunal proceeded to pass orders in the main references, enhancing the compensation by 11 to 22 times.

11. Before proceeding to consider the grounds of attack to the awards of the Tribunal, we have no alternative but to record our displeasure about the manner, in which, the proceedings have been conducted by the Tribunal. The reasons are as follows :

(i) As we have indicated earlier, the references, which were grouped together and disposed of by the Tribunal, arose out of Notifications issued under Section 4(1) of the Act on various dates, ranging from 21.2.1991 to 8.8.2000. The compensation to be awarded should correlate only to the market value of the property as on the date of the Notification under Section 4 (1). While it is correct to group cases that arise out of the same Notification under Section 4(1), it may not be correct to group together all references that arise out of the Notification issued over a span of about 10 years ranging from February 1991 to August 2000.

(ii) The sudden rush of work on the part of any Quasi Judicial Tribunal to dispose of cases in haste, will many times

make justice a casualty. In these cases, the claim statements were filed only in September 2014 and we see no reason as to why the Tribunal should have refused to give an opportunity to the appellant to lead evidence. Apparently, the Tribunal dismissed two sets of interlocutory applications filed by the appellant, one set of applications for reopening the case and another set of applications filed under Order VII Rule 11 of the Code. Within four days of dismissal of these applications, the awards were passed in the main references themselves. Therefore, we have no doubt in our mind that the appellant did not have sufficient opportunity to lead evidence and especially, what, according to them, would be the correct market value of the property and

(iii) Another glaring mistake committed by the Tribunal was that it has passed the awards solely on the basis of a compensation agreed to between the parties before the Lok Adalat, on 10.7.2010. The Lok Adalat award related to a Notification issued in the year 2006 and an award passed in the year 2007. Hence, it had absolutely no correlation to the market value as on the date of the respective Notifications covered in these cases. Hence, the awards of the Tribunal, questioned in these appeals, are clearly illegal and arbitrary, both for denial of a fair opportunity of hearing to the appellant and also for taking a Lok Adalat award that arose out of a Notification issued in the year 2006, as the basis.

12. The moment we found, at the time of hearing of the stay petitions, that the awards were completely contrary to law and unjustified, we were confronted with two alternative courses of action available to us. Whenever a Tribunal is guilty of not providing a fair opportunity of hearing to a party, the matter should normally be remitted back to the Tribunal concerned, by an Appellate Court, so that the party can lead evidence and get a fair opportunity to project his/her case. But, in a regular appeal under Section 54 of the Land Acquisition Act, 1894, this Court has the powers of a First Appellate Court under Section 96 of the Code. Therefore, yet another alternative open to this Court is to allow the parties to lead additional evidence, if they so desired.

13. Fortunately, the learned counsel for the appellant agreed for the second alternative course of action. This is in view of the fact that these appeals arise out of cases where the Notifications for acquisition were issued in the years 1991, 1992, 1993, 1994, 1998 and 2000. A period of 15 years has passed from the date of the Notification under Section 4(1) in respect of a few cases and a period of 25 years has gone from the date of the Notification under Section 4(1) in respect of majority of cases. Therefore, setting aside the awards of the Tribunal and

remanding the matter back to it to enable the parties to have a fair opportunity of hearing, though would have reduced our burden, would have caused serious prejudice to the land owners, who have lost their lands 15 to 25 years ago. Hence, we permitted both parties to file applications for receipt of additional evidence.

14. Accordingly, the appellant as well as one of the land owners have filed two miscellaneous petitions under Order XLI Rule 27 of the Code for leading additional evidence. We must also record here the fact that these are not cases where the balance could be tilted one way or the other by letting in oral evidence. These are cases, which could be decided on the basis of documents.

15. Mr.N.A.K.Sarma, learned counsel for the appellant conceded that it may not be necessary for the appellant to lead any oral evidence and that the additional documents sought to be filed both by them, by themselves would improve their case. Therefore, both the miscellaneous petitions filed on both sides under Order XLI Rule 27 of the Code are allowed.

16. Having thus set right the first procedural mistake committed by the Tribunal in not affording a fair opportunity of hearing to the appellant, we shall now proceed to take up the three main contentions of the appellant together with the responses to the same on the part of the respondents.

17. The main plank of the arguments of the learned counsel for the appellant is three fold, which are as follows :

(i) that the Land Acquisition Tribunal ought to have dismissed all the references on the sole and simple ground that the land owners did not seek references within the period stipulated in Section 18.

(ii) that the Tribunal committed a grave error of law in fixing the compensation on the basis of a Lok Adalat award passed in 2010, in relation to a Notification under Section 4(1) issued in the year 2006, though there were other Lok Adalat awards, which correlate to the dates of Notification under Section 4(1), out of which, the present cases arise and

(iii) that even on merits, the fixation of compensation by the Land Acquisition Officer was most appropriate warranting no occasion for the Tribunal to enhance the same.

18. Apart from these three, the learned counsel for the appellant raised an objection with regard to the rate of interest awarded by the Tribunal. We shall take up that aspect towards the end.

Contention (i) - Limitation :

19. The first ground of attack of the appellant to the impugned awards is that the Tribunal ought not to have entertained the references that were made long after the period of limitation prescribed by Section 18, had expired. The entitlement of a person to seek a reference under Section 18(1) of the Act, is curtailed by two different periods stipulated in the Proviso to Sub-Section (2) of Section 18. They are (i) the written application to the Collector should be made within six weeks from the date of the Collector's award, if the person making it was present or he was represented before the Collector at the time when the Collector made the award and (ii) the written application seeking a reference should be made in all other cases either within six weeks of receipt of the notice under Section 12(2) or within six months from the date of the Collector's award, whichever period shall first expire.

20. Mr.N.A.K.Sarma, learned counsel for the appellant gave a chart indicating that in two out of 65 cases on hand, there was a delay of four years in seeking a reference, in 12 out of the 65 cases, there was a delay ranging from 5 to 10 years in seeking a reference, in 19 out of these 65 cases, there was a delay ranging from 10 to 15 years and in the remaining 32 cases, there was a delay ranging from 15 to 19 years. According to the learned counsel for the appellant, one of the land owners is an advocate by himself. Therefore, he participated fully in the award enquiry both on his own behalf and also on behalf of the other land owners, who had engaged his services. Hence, the cases on hand cannot be compared to those where illiterate land owners affix their left thumb impressions in some papers during the course of the award enquiry and make applications for a reference under Section 18, only after they wake up to the reality. The cases on hand are covered by Clause (a) of the Proviso to Section 18, since the land owners fully participated in the award enquiry. In any case, even the period stipulated in Clause (b) of the Proviso to Section 18 had expired long time ago. Therefore, the learned counsel for the appellant contended that the Tribunal could not have entertained the references.

21. It is contended by Mr.N.A.K.Sarma, learned counsel appearing for the appellant that since the compensation carries with it, an interest of 9% per annum for the first year and an interest upto 15% per annum from the second year onwards, the monetary effect of allowing a person to seek a reference after 10 or 15 years, is so huge that no Requisitioning Body can withstand this financial onslaught.

22. By presenting a table containing illustration, the learned counsel contended that in a case where the compensation

originally awarded is Rs.100/- and the increase granted by the Tribunal is Rs.100/-, the interest at 12% per annum under Section 23(1A) together with solatium at 30%, interest at 9% for the first year under Section 28 and interest at 15% per annum from the second year onwards under the Proviso to Section 28, would make that increase of Rs.100/- get multiplied by five times to Rs.514/-. Therefore, it is his contention that apart from the mandate of law, that a reference cannot be entertained beyond the period of limitation prescribed under Section 18(2), the financial impact that it has upon the Government and the Requisitioning Body is also so huge that the issue of limitation cannot be so easily scuttled.

23. Another grievance of the appellant in this case is that the appellant filed applications under Order VII Rule 11 of the Code for the rejection of the claim petitions on the ground that the references were sought after a long delay. The Tribunal dismissed the applications on the ground that the issue of limitation would be considered along with the main original petitions. However, the issue of limitation was effortlessly decided by the Tribunal without any application of mind. Therefore, the learned counsel for the appellant contends that the awards are liable to be set aside.

24. We have carefully considered the above submissions.

25. At the outset, there can be no doubt about the fact that Section 18 of the Act stipulates two different periods of limitation. These two periods depend upon the happening or the non happening of certain events. Clauses (a) and (b) of the Proviso under Section 18 divide cases, in which, a reference is sought, into two categories. The first category of cases is the one where the person interested is present or represented before the Collector at the time, when he made his award. The second category of persons are those, who were not present or represented at the time when the Collector made his award.

26. The second category of persons is again divided into two sub-categories. Those, on whom, a notice under Section 12(2) is served, fall under the first category. Those, on whom, no such notice under Section 12(2) is served, fall under the second category.

27. The two different categories covered by Clauses (a) and (b) of the Proviso and the two sub-categories, into which, the second category covered by Clause (b) can actually be grouped, for the purpose of easy appreciation, as follows :

(i) cases where the persons interested are either present or represented before the Collector, when he made the award and cases, in which, the persons interested are not present at the

time of passing of the award, but who have received a notice under Section 12(2) and

(ii) cases where the person interested is not present or represented before the Collector when the award was passed and on whom, no notice under Section 12(2) is also served.

28. If a case falls in group (i), the limitation to make an application is six weeks either from the date of passing of the award or from the date of receipt of the notice under Section 12 (2), as the case may be. If the case falls under the second group indicated in the preceding paragraph, the limitation is six months from the date of the Collector's award.

29. Instead of multiplying the authorities for the proposition, it is enough to make a reference to the decision of the Supreme Court in *Bhagwandas & Others Vs. State of U.P.* [AIR 2010 SC 1532]. In the said case, the Supreme Court framed four questions, out of which, three may be usefully referred to. The first question was whether an appeal would lie under Section 54 against an order of the Collector refusing to make a reference. This question was answered in the negative by the Supreme Court on the ground that an order of the Collector refusing to make a reference is not an award of the court that could be appealed under Section 54.

30. The second question that was considered by the Supreme Court in *Bhagwandas* was whether the Collector can condone the delay in filing an application seeking a reference. This question was also answered in the negative on the ground that the Collector is neither a civil court nor the provisions of Section 5 of the Limitation Act would apply to the proceedings under Section 18. The third question taken up for consideration by the Supreme Court is of relevance. Hence, it is extracted as follows :

"Whether the period of six months under Clause (b) of the Proviso to Section 18 of the Act should be reckoned from the date of knowledge of the award of the Collector or from the date of award itself ?"

31. After referring to the decisions in *Raja Harish Chandra Raj Singh Vs. Deputy Land Acquisition Officer* [AIR 1991 SC 1500], *State of Punjab Vs. Mst. Qaiser Jehan Begum* [AIR 1963 SC 1604] and various other decisions, the Supreme Court formulated the following principles that emerged out of the discussion :

"The following position, therefore, emerges from the interpretation of the proviso to Section 18 of the Act :

(i) If the award is made in the presence of the person interested (or his authorised representative), he has to make

the application within six weeks from the date of the Collector's award itself.

(ii) If the award is not made in the presence of the person interested (or his authorised representative), he has to make the application seeking reference within six weeks of the receipt of the notice from the Collector under Section 12(2).

(iii) If the person interested (or his representative) was not present when the award is made and if he does not receive the notice under Section 12(2) from the Collector, he has to make the application within six months of the date on which he actually or constructively came to know about the contents of the award.

(iv) If a person interested receives a notice under Section 12(2) of the Act, after the expiry of six weeks from the date of receipt of such notice, he cannot claim the benefit of the provision for six months for making the application on the ground that the date of receipt of notice under Section 12(2) of the Act was the date of knowledge of the contents of the award."

32. But, after enunciating the above principles, the Supreme Court also held towards the end of paragraph 12 of the report in Bhagwandas that a person, who fails to make an application for reference within the time prescribed, is not without a remedy. It is open to him to make an application under Section 28A on the basis of the award of the court in respect of the other lands covered by the same Notification, if there is an increase.

33. Though the position with regard to limitation stipulated under Section 18(2) is fairly well settled, we cannot resist our temptation to address ourselves to one issue. A careful look at the scheme of Part III of the Act comprising of Sections 18 to 28A, would show that the scope of the jurisdiction of the Tribunal is well defined. Section 18 deals with an application for reference as well as the period within which, a reference is to be sought. Section 19 indicates what a Collector should do while making a reference. Sub-Section (1) of Section 19 lists out the items of information that the Collector should state, while making a reference. It will be useful to refer to Section 19, which reads as follows :

"19. Collector's statement to the court :-

(1) In making the reference, the Collector shall state for the information of the court, in writing under his hand -

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons, whom he has reason to think, interested in such land;

(c) the amount awarded for damages and paid or tendered under Sections 5 and 17, or either of them, and the amount of compensation awarded under Section 11;

(cc) the amount paid or deposited under Sub-Section (3A) of Section 17; and

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively."

34. Section 19 is followed by Section 20, which requires the Collector, after making a reference to the court, to cause a notice upon the applicant as well as all persons interested in the objection, to appear before the court on the day specified by the court. It will be of interest to note that under Clause (c) of Section 20, the Collector is obliged to mention whether the objection is with regard to the area of the land or to the amount of compensation.

35. Neither Section 19 nor Section 20 contains any reference to the issue of limitation. The question of limitation, stipulated in Section 18 as per the scheme of the Act, is for the Collector to see. Once the Collector is convinced that an application seeking a reference has been made within the time stipulated in Section 18, he is obliged to make a reference. Clauses (a) to (d) of Sub-Section (1) of Section 19, which list out the information to be furnished by the Collector in his reference to the court, do not include the issue of limitation. Similarly, Section 20, which mandates the service of notice upon the parties for the appearance before the court, also does not give the issue of limitation.

36. Apart from the above, Section 21 of the Act restricts the scope of the enquiry in every such proceeding namely the reference, only to a consideration of the interests of persons affected by the objections. Sections 23 and 24 indicate the matters that are to be taken into account and that are not to be taken into account by the Court while determining the compensation.

37. Section 26(1) of the Act prescribes the form, in which, an award passed by the Tribunal is to be made. In simple terms, Section 26(1) mandates the Court to specify the amounts awarded under each of the clauses in Section 23(1) together with the grounds for awarding such amounts. Section 27 deals with the award of costs and Section 28 deals with interest on excess compensation.

38. Therefore, the entire scheme of Part III of the Land Acquisition Act, 1894 appears to be a complete Code,

compartmentalising the duties and responsibilities of the Collector and the Court into three different parts as hereunder :

(i) In the first part, the obligation of the Collector either to make a reference or to reject the application for reference on the ground of limitation is stipulated. If the Collector refuses to make a reference on the ground of limitation, such refusal does not become an award and hence, it cannot be challenged in an appeal under Section 54. Since it is an administrative act on the part of the Collector, the parties may invoke the Extraordinary Jurisdiction of the High Court under Article 226/227.

(ii) Once the first stage stipulated in Section 18 is crossed and the Collector decides to make a reference, the obligations cast upon him are two fold and they are indicated in Sections 19 and 20. Section 19 indicates the contents of the statement to be made by the Collector to the Court. These contents indicated in Clauses (a) to (d) of Sub-Section (1) of Section 19 do not deal with the issue of limitation. However, under Sub-Section (2) of Section 19, there is a clue. This Sub-Section obliges the Collector to attach a schedule to the statement furnished by the Collector to the Court. This schedule should give the particulars of the notices served upon and of the statements in writing made or delivered by the parties interested. The second obligation cast upon the Collector, which is found in Section 20, is serving a notice on the applicant seeking a reference and all persons interested in the objection. Therefore, there is no indication in Sections 19 and 20 that a Collector would also include in his statement, a dispute relating to limitation.

(iii) In the third part, the obligations of the court, in the form of do's and don'ts, are stipulated in Sections 21, 23, 24, 25 and 26. As between themselves, these Sections stipulate (a) the restriction on the scope of the enquiry (b) matters to be taken into account while determining compensation (c) matters not to be taken into account while determining compensation and (d) the form, in which, the award is to be drawn.

39. Therefore, in the light of the scheme, as projected in Part III of the Land Acquisition Act, 1894, it appears that once a reference is made, the Court cannot really see whether the reference was made beyond the period of limitation or not. It is a fundamental principle of law that every Tribunal is a creature of statute. These Tribunals assume jurisdiction upon the happening of the events stipulated in the Act, by which, they are created. This is why it is stated in general that a Court or Tribunal, to which, a reference is made, cannot go beyond the scope of the reference. This problem has been addressed

repeatedly in matters arising before the Labour Courts and Industrial Tribunals and the Courts have repeatedly pointed out that a Tribunal or Court, to which a reference is made, cannot enlarge the scope of the reference.

40. But unfortunately, the highest Court of the land appears to have taken a contrary view in this regard, without reference to the scheme of Part III of the Act with particular reference to Section 21. In Mohammed Hasnuddin Vs. State of Maharashtra [1979 (2) SCC 572], a Three Member Bench of the Supreme Court held that the Court, functioning under the Land Acquisition Act, is a Tribunal of Special Jurisdiction and that therefore, it is its duty to see that the reference made to it by the Collector under Section 18, complies with the conditions laid down therein so as to give the Court jurisdiction to hear the reference. Paragraphs 25 to 28 of the said decision are reproduced as follows :

"Every tribunal of limited jurisdiction is not only entitled but bound to determine whether the matter in which it is asked to exercise its jurisdiction comes within the limits of its special jurisdiction and whether the jurisdiction of such tribunal is dependent on the existence of certain facts or circumstances. Its obvious duty is to see that these facts and circumstances exist to invest it with jurisdiction, and where a tribunal derives its jurisdiction from the statute that creates it and that statute also defines the conditions under which the tribunal can function, it goes without saying that before that tribunal assumes jurisdiction in a matter, it must be satisfied that the conditions requisite for its acquiring seisin of that matter have in fact arisen. As observed by the Privy Council in Nusserwanjee Pestonjee v. Meer Mynodeen Khan, (1) wherever jurisdiction is given to a court by an Act of Parliament and such jurisdiction is only given upon certain specified terms contained in that Act it is a universal principle that these terms must be complied with, in order to create and raise the jurisdiction for if they be not complied with the jurisdiction does not arise.

If an application is made which is not within time, the Collector will not have the power to make a reference. In order to determine the limits of his own power, it is clear that the Collector will have to decide whether the application presented by the claimant is or is not within time, and satisfies the conditions laid down in Section 18. Even if a reference is wrongly made by the Collector the court will still have to determine the validity of the reference because the very jurisdiction of the court to hear a reference depends on a proper reference being made under Section 18, and if the reference is not proper, there is no jurisdiction in the court to hear the reference. It follows that it is the duty of the

court to see that the statutory conditions laid down in Section 18 have been complied with, and it is not debarred from satisfying itself that the reference which it is called upon to hear is a valid reference. It is ` only a valid reference which gives jurisdiction to the court, and, therefore, the court has to ask itself the question whether it has jurisdiction to entertain the reference.

In deciding the question of jurisdiction in a case of reference under Section 18 by the Collector to the court, the court is certainly not acting as a court of appeal; it is only discharging the elementary duty of satisfying itself that a reference which it is called upon to decide is a valid and proper reference according to the provisions of the Act under which it is made. That is a basic and preliminary duty which no tribunal can possibly avoid. The court has, therefore, jurisdiction to decide whether the reference was made beyond the period prescribed by the, proviso to sub-s. (2) of s. 18 of the Act, and if it finds that it was so made, decline to answer reference *Beaumont C. J.*, delivering the judgment of the Division Bench in *Mahadeo Krishna Vs. Mamlatdar of Alibag* [ILR 1941 Bombay 90] agreed with the view of *Chandavarkar J.* and observed:

'It seems to me that the Court is bound to satisfy itself that the reference made by the Collector complies with the specified conditions, so as to give the Court jurisdiction to hear the reference. It is not a question of the Court sitting in appeal or revision on the decision of the Collector; it is a question of the Court satisfying itself that the reference made under the Act is one which it is required to hear. If the reference does not comply with the terms of the Act, then the Court cannot entertain it. I have myself some difficulty in seeing on what principle the Court is to be debarred from satisfying itself that the reference, which it is called upon to hear, is a valid reference. I am in entire agreement with the view expressed by *Chandavarkar J.* that it is the duty of the Court to see that the statutory conditions have been complied with.' "

41. It appears that though there was no reference to the aforesaid decision, another Two Member Bench of the Supreme Court held in *Mahadeo Bajirao Patil Vs. State of Maharashtra* [2005 (7) SCC 440] that if the reference had been made by the Collector beyond the period of limitation, the Court should throw out the reference. Till date, the law laid down by the Supreme Court in *Mohammed Hasnuddin* appears to hold the field. Therefore, however much we are perturbed by the settlement of law contained therein, we are duty bound to follow the same.

42. But, we cannot do so without taking note of a few fundamental propositions. From paragraphs 25 to 27 of the decision of the Supreme Court in Mohammed Hasnuddin, it is clear that the Supreme Court was persuaded to take such a view on the basis of its opinion that a reference made beyond the period of limitation struck at the root of the jurisdiction of the Tribunal. Therefore, the Supreme Court held in Mohammed Hasnuddin that when a reference was made to a Tribunal, which struck at the very root of the jurisdiction of the Tribunal, the Tribunal should examine the same.

43. However, it is well settled that the question of limitation has nothing to do with the issue of jurisdiction. If a Tribunal or Court has no jurisdiction to decide a matter on merits, it cannot even decide whether the issue raised before it was within limitation or not. The very power of a court to decide whether something is barred by limitation or not, arises out of the existence of jurisdiction.

44. As a matter of fact, the decision of the Three Member Bench in Mohammed Hasnuddin was taken note of by a Two Member Bench, albeit in a different context. In Prayag Upnivesh Awas Evam Nirman Vs. Allahabad Vikas Pradhikaran [2003 (4) LW 33 (SC)], the Supreme Court was concerned with a case where a reference was made under Section 30 for apportionment of compensation. The Tribunal mistook the same to be a reference under Section 18 and ordered enhancement of compensation. While holding the same to be illegal and without jurisdiction, the Supreme Court observed as follows :

"It is well established that the Reference Court gets jurisdiction only if the matter is referred to it under Section 18 or 30 or the Act by the Land Acquisition Officer and that civil court has got the jurisdiction and authority, only to decide the objections referred to it. The Reference Court cannot widen the scope of its jurisdiction or decide matters, which are not referred to it."

45. For coming to the above conclusion, the Supreme Court relied upon an opinion of the Judicial Committee of the Privy Council in Pramatha Nath Mullick Bahadur Vs. Secretary of State [AIR 1930 PC 64]. In fact, in the case before the Privy Council, a reference under Section 18 was made only with regard to the valuation, but in the enquiry before the court, even the measurements were disputed. The Privy Council held that the jurisdiction of courts under the Land Acquisition Act is a special one strictly limited by the terms of reference. The fact that a reference under Section 30 cannot be converted into a reference under Section 18 by the Tribunal, has already been formulated in Kanakarathanamma Vs. State of Andhra Pradesh [1964

(6) SCR 294] and Ajjam Linganna Vs. Land Acquisition Officer [2002 (9) SCC 426].

46. Interestingly, the Two Member Bench of the Supreme Court in Prayag Upnivesh Awas Evam Nirman cited one particular passage found in Mohammed Hasnuddin to derive support for the above conclusions. Therefore, it is very hard to reconcile (i) that a question of limitation will strike at the root of the jurisdiction of a Tribunal or Court and (ii) that if Section 21 restricts the scope of the enquiry only to the terms of reference and if a reference under Section 30 itself cannot be converted into a reference under Section 18, it is not known as to how the issue of limitation could be gone into by the Tribunal.

47. Be that as it may, the law, as it stands today, is that a Tribunal, to which a reference is made, should first see whether the reference was made within the period of limitation or not. Since that is the law, which we are bound to follow, we would see whether the Tribunal addressed itself to this question and if so, whether satisfactorily or not.

48. Despite the fact that the Supreme Court held in Mohammed Hasnuddin that the Tribunal should look into the question of limitation, the Supreme Court also made something very clear in paragraph 27 of its decision, which we have extracted above. In paragraph 27 of its decision in Mohammed Hasnuddin, the Supreme Court indicated that in deciding the question of jurisdiction in a case of reference under Section 18, the Court would not act as a Court of Appeal, but would only be discharging its elementary duty of satisfying itself that a reference made to it, is a valid and a proper reference. In other words, the indication in paragraph 27 of Mohammed Hasnuddin is that the enquiry with regard to the question of limitation, required to be conducted by a Tribunal, is of a limited nature than the nature of the enquiry to be conducted with reference to the question of compensation. Keeping this in mind, we shall examine as to how the question of limitation was dealt with by the Tribunal in this case.

49. Admittedly, blocks and blocks of lands in several villages were sought to be acquired for the purpose of expansion of the mining activities of the Neyveli Lignite Corporation. The proceedings for acquisition were initiated way back in 1991 and the Notifications under Section 4(1) themselves were issued in several years from 1991 to 2000. The land owners have claimed in their claim statements that hundreds of persons participated in the award enquiry every day. The references were first made to the Subordinate Court, Neyveli. Later, they were transferred to the Special Subordinate Court, Cuddalore. Unfortunately, the

appellant has taken the years, in which, the land acquisition proceedings were renumbered before the Special Subordinate Court, Cuddalore, as the years, in which, references themselves were made.

50. This is why Mr.N.A.K.Sarma, learned counsel for the appellant was vociferous in his submission that in 36 out of 65 cases, the references were made after about 15 years.

51. That submission could be factually correct only if we take the year, in which, the land acquisition proceedings were numbered in the Special Subordinate Court, Cuddalore, as the year of reference. But, it cannot be in view of the fact that after references were made originally to the Subordinate Court, Neyveli, they were all transferred to the Special Subordinate Court, Cuddalore. The delay that occasioned in the Neyveli Subordinate Court in taking these references on file and the delay that occasioned after they were transferred to the Special Subordinate Court, Cuddalore, cannot be imposed upon the land owners. Therefore, we should first clear the air of suspicion as though in a majority of cases, references themselves were made after 15 years.

52. Moreover, the learned counsel for the appellant also furnished a statement indicating that the Neyveli Lignite Corporation settled a total of about 9300 cases in the Lok Adalats held in the years 2004-2015. Out of those 9300 cases settled in Lok Adalats held in the past about 11 years from 2004 to 2015, a total of 2,345 cases related to the awards of the years 1990-95. A total of 2,996 cases related to the awards passed by the Land Acquisition Officers during the period 1996-2002. About 3,995 cases related to the awards of the Land Acquisition Officer passed during the period 2006-2013. The table furnished by the learned Standing Counsel for the appellant is extracted as follows :

Number of cases settled in Lok Adalat at the rate applicable for the respective block periods of 1990-95, 1996-2002 and 2006-2013 reckoned on the basis of the year of LAO award and for the respective classification of land (e.g. wet, ID, RD/MD, house site, etc.)				
S. No	Lok Adalat Settlement	LAO Awards of years 1990-1995	LAO Awards of years 1996-2002	LAO Awards of years 2006 - 2013
1	Total No.cases settled by Lok Adalat in 2004	405		

2	Total No.cases settled by Lok Adalat in 2005	841		
3	Total No.cases settled by Lok Adalat in 2006	143		
4	Total No.cases settled by Lok Adalat in 2007	52		
5	Total No.cases settled by Lok Adalat in 2008	9		1238
6	Total No.cases settled by Lok Adalat in 2009	9	42	44
7	Total No.cases settled by Lok Adalat in 2010	205	970	1293
8	Total No.cases settled by Lok Adalat in 2011	454	1462	181
9	Total No.cases settled by Lok Adalat in 2012	121	254	506
10	Total No.cases settled by Lok Adalat in 2013	65	181	263
11	Total No.cases settled by Lok Adalat in 2014	32	83	470
12	Total No.cases settled by Lok Adalat in 2015	9	4	0
	Total	2345	2996	3995

53. Keeping the above information in mind, if we come back to the pleadings before the Tribunal, it is seen that all the land owners have almost filed stereotyped claim statements contending that the copies of the award were not furnished to them and that all of them had invariably submitted letters at the time of passing of the award, seeking a reference.

54. It is true that some of them have taken a contradictory position. Some of the land owners have stated in paragraph 4 of the claim statements that they received the compensation awarded on the date of passing of the award and submitted an application seeking a reference. In addition, they have stated that they demanded and obtained copies of the award and made representations once again for a reference.

55. In the light of the above pleadings, it was expected that the appellant, who was impleaded as the second respondent before the Tribunal, filed written statements specifically refuting the allegations with regard to submission of application seeking reference. But unfortunately, the copies of the written statements filed by the second respondent before the

Tribunal, do not even contain a formal denial of the averments contained in the claim petitions either with regard to the submission of the land owners that they received the compensation amount and simultaneously submitted letters seeking reference or with regard to the claim made by the land owners that since no reference was made on the basis of their first letters, they demanded copies of the award and once again submitted letters of requisition after the receipt of the copies of the award.

56. Uniformly, the appellant herein appears to have filed stereotyped cyclostyled written statements in all the claim petitions. All of them contain seven paragraphs. The fifth paragraph of all the written statements filed by the appellant herein contain a bald statement in one single line to the effect that the reference was barred by limitation.

57. While the one-liner with regard to limitation contained in paragraph 5 of all the written statements filed by the appellant is sufficient to raise the plea of limitation, the same is not sufficient to rebut a claim made by the land owners. As we have indicated earlier, the land owners have made alternative, but not mutually exclusive claims. In the first instance, the land owners stated in their claim petitions that at the time when the compensation amount was paid, they gave a letter seeking a reference. They also specifically pleaded that the Collector deliberately suppressed about the same. In addition to this averment, the land owners also claimed that they sent notices, got copies of the award and again reiterated their demand for reference within time.

58. This specific averment made in all the statements of claim, are not even formally denied by the appellant herein in their written statements. The Land Acquisition Officer, who was the first respondent in the proceedings before the Tribunal, did not file any counter. As a consequence, the specific averment made by the land owners went unrefuted by the first respondent, who alone had full and complete knowledge about the claim made by the land owners. The second respondent also failed to make a specific denial in their written statements with regard to the averments contained in the claim petitions. Therefore, if we apply the principles behind Order VIII Rule 5 of the Code, the inference is that what is not denied should be deemed to have been accepted.

59. We have, thus, seen that in the pleadings, the land owners made specific averments that will save their petitions from the plea of limitation. These averments were not refuted by the first respondent. They were not denied by the appellant herein.

60. After missing the bus at the time of filing their pleadings, the appellant sought to compensate this deficiency subsequently, by filing two sets of miscellaneous applications, one for reopening the case to enable them to lead evidence and another for rejection of the statements of claim under Order VII Rule 11 of the Code. Both these sets of miscellaneous applications were filed simultaneously in April 2015 by the appellant herein. In the applications for reopening the case, there was no specific reference to the plea of limitation. But, in the miscellaneous petitions for rejection of the statements of claim, the appellant made specific averments that the land owners participated in the award enquiry, gave evidence before the Land Acquisition Officer and also had their representative present at the time of passing of the award. The appellant also claimed in the affidavit in support of the applications under Order VII Rule 11 of the Code that the compensation amounts were received by the land owners on the date of the award.

61. Those written statements filed by the appellant did not contain specific averments that would have enabled the Land Acquisition Tribunal to take it up for consideration. But, in the applications under Order VII Rule 11, such averments were made.

62. It is needless to point out that what is not contained in the pleadings cannot be improved upon by filing an application under Order VII Rule 11. The averments contained in the affidavits in support of the applications under Order VII Rule 11, cannot be taken to be part of the pleadings.

63. It is also needless to state that no amount of evidence can be let in to prove what is not pleaded. While the claimants have pleaded specific averments as to how they submitted letters of requisition within the period stipulated so as to make them come within the purview of limitation, the appellant failed to make any pleading. Therefore, though their grievance that they were not given sufficient time to lead evidence may be justified, the position could not have been improved even if the Tribunal had given an opportunity to them to lead evidence, at least with respect to the question of limitation.

64. Naturally, the Land Acquisition Officer was in a quandary. The very fact that he made references would show that at least in so far as he is concerned, the requisitions for references were made within time. Therefore, the Land Acquisition Officer neither filed a counter nor got into the witness box to lead oral evidence. The land owners examined themselves as witnesses and testified to the facts pleaded in their statements of claim.

65. Therefore, the conclusion reached by the Tribunal on the issue of limitation cannot be said to be illegal or perverse. It is of-course true that the Tribunal could have given a fair opportunity to the appellant. But, in the absence of any pleading, in the form of specific denials about the averments contained in the statements of claim, the appellant could not have let in any evidence to prove what is not pleaded. Hence, on the question of limitation, we uphold the judgment and decree of the Tribunal.

66. There is one more reason as to why we would hold the issue of limitation in favour of the claimants. As pointed out by the Tribunal, Section 28A neutralises the impact of Section 18(2), in cases where at least one reference is sought and made within the period of limitation. Even according to the appellant, more than 9300 cases have been settled in Lok Adalats. Therefore, the Tribunal could not have thrown out all the references on this technical ground, merely making such love's labour to be lost ultimately, when Section 28A is invoked.

Contention (ii) - Relating to Lok Adalat awards :

67. The second contention of the appellant is that the Tribunal was in error in proceeding on the basis of the Lok Adalat award passed in the year 2010 in relation to award enquiries conducted in 2007, arising out of the acquisition notifications issued in 2006.

68. The said contention is factually correct and also justified. It is seen from the awards that are challenged in these appeals that the awards of the Tribunal were primarily based upon Ex.P.8, which is a certified copy of the award passed by the Lok Adalat on 10.7.2010. The copy of Ex.P.8 - the award of the Lok Adalat is filed by the appellant. It is seen from the said Lok Adalat award that the same arose out of a Notification for acquisition issued under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/1999). Ex.P.8 - Lok Adalat award arose out of an award of the Land Acquisition Officer in award No.22/2007 passed on 4.5.2007. The copy of the said award bearing award No.22/2007 dated 4.5.2007 was also filed as Ex.P.6 before the Tribunal.

69. Ex.P.6 shows that the land in S.F.Nos.41/2, 41/6, 41/8, 41/9 and 42A/5 were sought to be acquired not under the Land Acquisition Act, 1894, but under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997. Ex.P.6 also reveals that the notices under Section 3(2) were published in the office of the District Collector in Form-B on 5.5.2006. After giving an opportunity to the land owners, the Notification under Section 3 (1) was published in the Tamil Nadu Government Gazette, under

G.O.Ms.No.44 dated 9.2.2007. The Land Acquisition Officer fixed a compensation of Rs.50,000/- per acre, as he had done in the batch of cases on hand. When the land acquisition original petitions were pending before the Tribunal, the petitions were referred to the Lok Adalat for working out the possibility of a settlement. Before the Lok Adalat, the land owner, who was aggrieved by award No.22/2007 dated 4.5.2007 and the appellant herein reached a settlement on 10.7.2010. Under the settlement, the appellant agreed to pay Rs.5,50,000/- to the land owner.

70. Therefore, Ex.P.6 and Ex.P.8 could never have formed the basis for determining the compensation payable in respect of notifications covered in these appeals. As we have indicated earlier, the lands in question in the present batch of appeals were acquired under the Land Acquisition Act, 1894, while the lands covered by the Lok Adalat award dated 10.7.2010 were acquired under the Tamil Nadu Act 10/1999.

71. Though the Act, under which, the acquisition was made, may not really tilt the balance in favour of one or the other of the parties, at least in the matter of fixing the basic rate of compensation, the date of Notification would certainly make a world of difference.

72. As we have indicated earlier, there are 65 cases on hand. In 29 out of those 65 cases, the Notifications for acquisition under Section 4(1) were issued in 1991, in 28 cases, the Notifications were issued in 1992, in four cases, the Notifications were issued in 1995, in two cases, the Notifications were issued in 1996 and in one case each, the Notifications were issued in 1998 and 2000 respectively. But, in the case covered by the Lok Adalat award dated 10.7.2010, the Notification was issued in May 2006. Therefore, Ex.P.6 and Ex.P.8 were not comparable at all in view of the huge time difference between the dates of issue of notification for acquisition.

73. However, it is contended by Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the land owners that the lands covered by Lok Adalat awards were also originally included in the Notification for acquisition issued under Section 4(1), way back in 1991. But, there was dispute with regard to the question as to whether compensation was payable in respect of the land classified as 'DKT patta lands'. These are assigned lands, in respect of which, the Government always had the power to cancel the assignment. In certain writ petitions, this Court held that the owners of these patta lands were also entitled to compensation. Therefore, the appellant appears to have requested the Government to drop the acquisition proceedings and cancel the assignment. After dropping the proceedings initiated way

back in 1991 under Section 4(1) of the Land Acquisition Act, the Government initiated fresh proceedings in May 2006 under the provisions of the Tamil Nadu Act 10/ 1999. Therefore, the contention of Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the land owners is that the compensation awarded by Lok Adalat took note of all these facts and that the same cannot be interfered with.

74. Though the above contention of the learned Senior Counsel for the land owners is factually correct, it may not be legally correct. It is seen from the award bearing No.22/2007 dated 4.5.2007 filed as Ex.P.6 that though the dates of Notification under Sections 3(2) and 3(1) are respectively 3.5.2006 and 9.2.2007, the date on which the possession of the land was taken, was 4.4.1992. It means that the lands covered by Ex.P.6 and Ex.P.8 were also included in the Notifications issued way back in 1991. But, for some reason, the proceedings were dropped in respect of the lands covered by Ex.P.6 and Ex.P.8, though possession was retained by the appellant. Subsequently, fresh Notifications were issued in May 2006. Therefore, the learned Senior Counsel for the land owners is factually correct in contending that these lands were sought to be acquired way back in 1991.

75. But, where the learned Senior Counsel for the land owners is wrong is the date, with reference to which, the market value of the land has to be reckoned. As per the first clause under Section 23(1) of the Land Acquisition Act, 1894, the amount of compensation to be awarded is to be based upon the market value of the land on the date of publication of the Notification under Section 4(1). This provision is made applicable to Tamil Nadu Act 10/1999, by virtue of Clause (a) of Sub-Section (6) of Section 7. Therefore, irrespective of the fact that the lands covered by Ex.P.6 and Ex.P.8 were sought to be acquired under the Notifications issued in 1991 and possession was also taken in 1992, the crucial date, with reference to which, the compensation is to be calculated is the date of publication of notice under Section 3(2). Hence, the acceptance by the appellant before the Lok Adalat, to pay a compensation of Rs.5,50,000/- per acre for a land, whose market value was to be determined in terms of Section 7(6)(a) of the Tamil Nadu Act 10/1999, cannot be the basis for determining the compensation payable for a land, in respect of which, the Notification under Section 4(1) was issued in 1992, etc. Therefore, the second contention of the appellant that the Tribunal ought not to have gone by Ex.P.6 and Ex.P.8 namely award No.22/2007 dated 4.5.2007 and Lok Adalat award dated 10.7.2010, has to be upheld. Accordingly, it is upheld.

Contention (iii) - Quantum of Compensation :

76. As we have indicated above, the land owners mainly relied upon Award No.22/2007 dated 4.5.2007 filed as Ex.P.6 and the award passed by the Lok Adalat on 10.7.2010, filed as Ex.P.8 in some cases and as Ex.P.9 in some cases. In Award No.22/2007, the market rate was fixed at Rs.50,000/- per acre, but the same was enhanced before the Lok Adalat to Rs.5,50,000/- per acre. Therefore, the land owners did not file any sale deed other than these two awards, in support of their claim for enhancement.

77. In contrast, the appellant herein namely the Neyveli Lignite Corporation did not file any document at all before the Tribunal, but relied upon the data sales taken into account by the Land Acquisition Officer. Therefore, virtually, both parties failed to file any sale deed that would enable the Tribunal to arrive at the correct quantum of compensation.

78. This is why, we were in a quandary as to whether we should allow the appeals, set aside the awards and remit the matter back to the Tribunal for a fresh disposal with liberty to both sides to file additional documents. But, this remedy was found to be much worse than the disease, in view of the fact that in the present batch of 65 cases, 29 relate to Notifications of the year 1991, 28 relate to Notifications of the year 1992, 4 relate to Notifications of the year 1995, 2 relate to the Notifications of the year 1996 and the rest relate to the Notifications of the years 1998 and 2000. Therefore, an order of remand after 25 years of the Notifications under Section 4(1), would prejudice the interests of both parties. Hence, both parties agreed to let in additional evidence before us. Fortunately, both parties agreed that their cases may not get improved by oral evidence, but can only be canvassed on the basis of documents. Therefore, we permitted both parties to file additional documents under Order XLI Rule 27 of the Code.

79. While the land owners have filed a set of 20 documents, the appellant (NLC) has filed a set of 26 documents. We shall take up these additional documents now to find out the correct market value.

Additional Documents filed by appellant :

80. All the 26 additional documents filed by the appellant, which are marked as Exx.R1 to R26, fall under two categories. The first category of documents filed by the appellant, which are marked as Exx.R1 to R3, R5 and R6, are nothing but (i) notices issued under Section 9(3) (ii) notices issued under Section 12(2) (iii) acquaintance register showing the receipt of compensation by the land owners and (iv) circulars issued by the District Collector and the Sub-Collector to parties, who accepted Lok Adalat settlements. Primarily, the object of the

appellant for filing these documents, is to show that the land owners, who are the respondents herein, were represented before the Land Acquisition Officer, had participated in the award enquiry and were present at the time when the awards were pronounced. In other words, Exx.R1 to R3, R5 and R6 are filed to show that the references are beyond the period of limitation stipulated in Section 18(2). But, while dealing with the question of limitation, we have already taken into account these facts. Therefore, in our present discussion relating to the quantum of compensation, Exx.R1 to R3, R5 and R6 are of no relevance.

81. The second category of documents filed by the appellant are Exx.R4 and R7 to R26. While Exx.R7 to R26 are Lok Adalat awards, arising out of the awards of the Land Acquisition Officer bearing award Nos.1/92 to 4/92, 3/93, 5/93, 7/93, 8/93, 3/94, 5/94, 8/94 to 10/94, 13/94, 14/94, 4/97, 9/97, 10/97, 8/99 and 1/2000, Ex.R4 is a circular issued by the District Collector intimating the concerned parties about the payment of enhanced compensation as per the settlements reached in Lok Adalats.

82. Therefore, it is clear that out of the 26 additional documents filed by the appellant, 20 relate to Lok Adalat awards and 6 relate to documents that would prove the presence of the land owners at the time when the awards were passed. In other words, the appellant is not placing reliance upon any sale deed executed at the relevant point of time to show what was the actual market value of the land. On the other hand, the appellant wants the amounts reflected in the settlements reached before the Lok Adalats, as the basis for determining the market value of the land, though a Lok Adalat award is not one of the parameters indicated in Section 23 or 24 of the Act. 83. In contrast to what the appellant has done, the land owners have come up with 20 additional documents, which are marked as Exx.P.10 to P.29. Out of these 20 documents, 13 are certified copies of various sale deeds, 5 are copies of awards, one is a set of encumbrance certificates (series) and one is a copy of the sale statistics.

RATE REFLECTED IN THE DOCUMENTS FILED BY THE LAND OWNERS :

84. The particulars regarding the date of sale, the survey number of the land covered by the sale deed, the extent sold, the consideration reflected and the rate per cent, as indicated in the documents filed by the land owners are presented in a tabular statement as follows :

SNo	Date of Sale Deed/award	Survey No.	Extent of land sold	Sale consideration in Rs.	Rate per cent
1	16.2.1990	321/8	15 cents	22,500/-	Rs.1,500/-

SNo	Date of Sale Deed/award	Survey No.	Extent of land sold	Sale consideration in Rs.	Rate per cent
2	10.12.1990	286/7A	10 cents	26,160/-	Rs.2,616/-
3	11.2.1991	330/11A	10 cents	56,700/-	Rs.5,670/-
4	18.2.1991	333/3	15 cents	54,000/-	Rs.3,600/-
5	20.3.1991	335/2A	9 cents	70,000/-	Rs.7,778/-
6	25.3.1991	330/4	5,502.5 sq.ft	70,000/-	Rs.5,556/-
7	27.3.1991	335/7	10 cents	36,000/-	Rs.3,600/-
8	27.3.1991	325/1	20.5 cents	80,000/-	Rs.3,902/-
9	28.10.1991	234/1	25 cents	62,500/-	Rs.2,500/-
10	18.3.1992 (award)	Parts of 39, 41, 42A, 42B, 338	-	-	Rs.250/-
11	7.7.1992	241/12	15 cent	1,00,000/-	Rs.6,667/-
12	19.8.1992	286/5A	12 cents	4,20,000/-	Rs.35,000/-
13	26.4.1993 (award)	Parts of 62B, 63B, 64/1, 2, 3 and 6	-	-	Rs.264/-
14	28.4.1993 (award)	Parts of 72/1, 73/1, 3, 22, 23, 24, 25, 26, 27, 74/1, 2, 3, 4, 5, 6	-	-	Rs.264/-
15	30.12.1996	240/10	2,240 sq.ft.	53,760/-	Rs.10,479/-
16	28.1.1998	251/7	5 cents	56,680/-	Rs.11,336/-
17	.8.1999 (award)	Parts of 72/1, 9, 74/9	-	-	Rs.522/-
18	19.4.2010 (award)	65/3	-	-	Rs.500/-
19	26.5.1994 17.5.2000 22.7.2013 25.2.2015 (all based on ECs)	211/2 314/2 Parts of 314/12 Parts of 314/12	1,962 sq.ft. 1/2 cent 1,363 sq.ft 11,445 sq.ft.	28,000/- 8,700/- 3,00,208/- 22,92,188/-	Rs.6,222/- Rs.17,400/- - Rs.96,220/- Rs.87,321/-
20	1.10.2015	sales statistics	sales statistics	sales statistics	sales statistics

85. The particulars such as the award number, the survey number of the lands covered by the award and the market rate reflected in those awards, filed as additional documents by the appellant Corporation and marked as Exx.R7 to R26 are presented in a tabular form as follows :

SNo	Lok Adalat award No. & Date	Survey No.	Rate per acre in Rs.
1	(i) 59/2010 & 3.2.2010 (ii) 25/2012 & 4.1.2012	(i) 44A/2B, 47/2B, 2C, 2D (ii) 47/1	76,500/-
2	(i) 1481/2011 & 7.9.2011 (ii) 515/2010 & 18.8.2010 (iii) 843/2010 & 21.10.2010 (iv) 528/2011 & 19.2.2011 (v) 776/2011 & 30.3.2011 (vi) 1348/2011 & 17.7.2011 (vii) 1553/2011 & 7.9.2011 (viii) 26/2012 & 4.1.2012	(i) 49/3, 49/5, 49/10, 50/7, 40/11, 50/20 (ii) 49/11, 53/26B (iii) 50/23 (iv) 50/19 (v) 50/17, 50/26, 50/27 (vi) 49/2, 49/4 (vii) 49/7 (viii) 53/12	76,500/-
3	(i) 1284/2011 & 15.6.2011 (ii) 1022/2010 & 8.12.2010 (iii) 78/2012 & 20.6.2012 (iv) 876/2011 & 27.4.2011	(i) 39/4 (ii) 42B/3 (iii) 42A/2, 42A/3 (iv) 42A/4B, 42B/4B, 338/2	76,500/-
4	(i) 552/2011 & 19.2.2011 (ii) 1479/2011 & 7.9.2011 (iii) 762/2011 & 30.3.2011 (iv) 708/2011 & 23.3.2011 (v) 652/2011 & 23.2.2011 (vi) 936/2011 & 27.4.2011 (vii) 1551/2011 & 7.9.2011 (viii) 1552/2011 & 7.9.2011	(i) 59/9 (ii) 59/1 (iii) 61/1A (iv) 61/1A (v) 63A/2 (vi) 63A/2 (vii) 62A/2 (viii) 62A/2	76,500/-
5	(i) 709/2010 & 6.10.2010 (ii) 1480/2011 & 7.9.2011 (iii) 247/2011 & 12.2.2011 (iv) 28/2012 & 4.1.2012	(i) 63B/4, 63B/6, 63B/5A (ii) 63B/16, 64/1E (iii) 63B/7, 63B/11B, 64/1B, 64/1C (iv) 63B/7, 63B/11A, 64/1A, 64/1D	76,500/-
6	(i) 168/2010 & 17.6.2010 (ii) 1013/2010 & 10.11.2010 (iii) 990/2011 & 11.5.2011 (iv) 337/2011 & 16.2.2011 (v) 922/2011 & 27.4.2011	(i) 74/4B (ii) 73/3A-3C (iii) 74/5 (iv) 74/3C, 74/4D (v) 74/2, 74/3A	76,500/-
7	(i) 1175/2011 & 8.6.2011 (ii) 351/2011 & 11.2.2011 (iii) 1329/2011 & 7.7.2011 (iv) 1547/2011 & 7.9.2011	(i) 283/2B (ii) 283/3, 283/4, 283/11 (iii) 283/9 (iv) 283/2C, 283/3	76,500/-
8	(i) 1548/2011 & 1.9.2011 (ii) 1558/2011 & 7.9.2011	(i) 287/1C (ii) 287/1C	76,500/-

SNo	Lok Adalat award No. & Date	Survey No.	Rate per acre in Rs.
9	(i) 345/2010 & 21.7.2010 (ii) 469/2010 & 11.8.2010 (iii) 470/2010 & 11.8.2010 (iv) 471/2010 & 11.8.2010 (v) 703/2011 & 23.3.2011 (vi) 674/2010 & 15.9.2010 (vii) 477/2010 & 11.8.2010 (viii) 759/2011 & 30.3.2011 (ix) 982/2010 & 10.11.2010	(i) 76/7, 76/13A (ii) 76/10D (iii) 76/9A, 76/15 (iv) 76/9B (v) 76/6 (vi) 76/10A (vii) 76/8 (viii) 76/11 (ix) 76/3	76,500/-
10	(i) 1119/2010 & 15.12.2010 (ii) 722/2010 & 6.10.2010 (iii) 335/2011 & 16.2.2011 (iv) 1055/2011 & 5.11.2011	(i) 193/2D, 193/4B (ii) 193/1 (iii) 195/3D, 195/7A-7C, 195/8B (iv) 195/3D, 195/7A-7C, 195/8D	76,500/-
11	(i) 673/2011 & 23.2.2011 (ii) 960/2010 & 10.11.2010 (iii) 472/2010 & 11.8.2010 (iv) 1757/2011 & 19.11.2010 (v) 579/2011 & 23.2.2011 (vi) 1270/2011 & 15.6.2011 (vii) 881/2011 & 27.4.2011 (viii) 884/2011 & 27.4.2011 (ix) 770/2011 & 30.3.2011 (x) 751/2011 & 23.3.2011 (xi) 119/2011 & 8.6.2011	(i) 196/3, 196/5 (ii) 197/7, 197/8B (iii) 197/8A (iv) 197/3A (v) 197/2E (vi) 197/2B (vii) 196/1, 197/3B, 197/4, 197/5 (viii) 197/6 (ix) 196/7, 196/8B (x) 197/7, 197/8B (xi) 197/7, 197/8B	76,500/-

WEB COPY

SNo	Lok Adalat award No. & Date	Survey No.	Rate per acre in Rs.
16	(i) 343/2010 & 27.7.2010 (ii) 467/2010 & 11.8.2010 (iii) 1756/2011 & 19.11.2011 (iv) 485/2010 & 11.8.2010 (v) 486/2010 & 11.8.2010 (vi) 163/2010 & 9.6.2010 (vii) 365/2010 & 21.7.2010 (viii) 637/2010 & 2.9.2010 (ix) 1070/2010 & 8.12.2010 (x) 1071/2010 & 8.12.2010 (xi) 1080/2010 & 8.12.2010 (xii) 1145/2010 & 15.12.2010 (xiii) 36/2011 & 19.1.2011 (xiv) 38/2011 & 19.1.2011 (xv) 160/2011 & 12.2.2011 (xvi) 57/2011 & 19.1.2011 (xvii) 908/2011 & 27.4.2011 (xviii) 246/2011 & 12.2.2011 (xix) 1677/2011 & 29.10.2011 (xx) 1640/2011 & 1.10.2011 (xxi) 251/2011 & 12.2.2011 (xxii) 372/2011 & 16.2.2011 (xxiii) 57/2012 & 7.3.2012 (xxiv) 58/2012 & 7.3.2012	(i) 211/1M, 211/1S, 214B/2A, 214B/2E (ii) 211/1K, 211/1N (iii) 211/1K (iv) 203/4 (v) 211/1E, 211/1J, 211/1R (vi) 203/3 (vii) 187/2, 187/3, 187/6B, 188/13B (viii) 215/2F2, 215/3C (ix) 211/1L, 211/1S, 211/1T (x) 203/2E (xi) 211/1C, 211/1F, 211/1G, 211/1E, 211/1Q (xii) 215/2F2, 215/3C (xiii) 188/7, 203/2B, 203/2D (xiv) 187/15 (xv) 187/17, 187/18 (xvi) 187/12, 187/13, 187/14 (xvii) 187/7C (xviii) 215/3A, 215/3B (xix) 203/5B (xx) 215/2E (xxi) 214B/2F (xxii) 188/5 (xxiii) 187/16B (xxiv) 211/1B	1,71,000/-
17	(i) 517/2010 & 18.8.2010 (ii) 625/2010 & 2.9.2010 (iii) 518/2010 & 18.8.2010 (iv) 578/2010 & 25.8.2010 (v) 1164/2010 & 15.12.2010 (vi) 907/2011 & 27.4.2011 (vii) 245/2011 & 12.2.2011 (viii) 1639/2011 & 1.10.2011 (ix) 926/2011 & 27.4.2011 (x) 100/2011 & 29.10.2011	(i) 204/1D, 204/1E, 204/1F (ii) 204/2A (iii) 202/24A (iv) 202/1, 204/3A (v) 204/4, 204/5A, 204/5B (vi) 202/6, 202/20, 202/21, 204/7A (vii) 204/1F (viii) 202/19B (ix) 202/15 (x) 202/6, 202/20, 202/21, 204/7A	1,71,000/-

SNo	Lok Adalat award No. & Date	Survey No.	Rate per acre in Rs.
18	(i) 249/2011 & 12.2.2011 (ii) 1537/2011 & 7.9.2011	(i) 201/9A, 201/9B (ii) 201/6C, 201/6E	1,71,000/-
19	(i) 1006/2010 & 10.11.2010 (ii) 32/2010 & 19.1.2011 (iii) 318/2011 & 16.2.2011 (iv) 213/2011 & 12.2.2011 (v) 228/2011 & 12.2.2011 (vi) 1634/2011 & 1.10.2011 (vii) 1635/2011 & 1.10.2011 (viii) 1636/2011 & 1.10.2011 (ix) 1637/2011 & 1.10.2011 (x) 1638/2011 & 1.10.2011 (xi) 229/2011 & 12.2.2011 (xii) 230/2011 & 12.2.2011 (xiii) 253/2011 & 12.2.2011 (xiv) 350/2011 & 16.2.2011 (xv) 360/2011 & 16.2.2011 (xvi) 364/2011 & 16.2.2011 (xvii) 451/2011 & 19.2.2011 (xviii) 452/2011 & 19.2.2011 (xix) 732/2011 & 23.3.2011 (xx) 1723/2011 & 12.11.2011 (xxi) 927/2011 & 27.4.2011 (xxii) 1409/2011 & 13.7.2011 (xxiii) 1688/2011 & 29.10.2011 (xxiv) 1798/2011 & 17.12.2011 (xxv) 1612/2011 & 14.9.2011 (xxvi) 1613/2011 & 14.9.2011	(i) 253/2A (ii) 253/2A (iii) 251/1N (iv) 253/2B (v) 253/1A (vi) 251/1G (vii) 251/1G (viii) 251/1G (ix) 251/1G (x) 251/1G (xi) 253/1C (xii) 253/1D (xiii) 238/9, 238/10, 252/3B1 (xiv) 251/2 (xv) 251/10 (xvi) 251/10 (xvii) 251/1B (xviii) 251/1J (xix) 251/1K (xx) 251/1I (xxi) 251/6A (xxii) 251/1H (xxiii) 251/10 (xxiv) 251/10 (xxv) 251/10 (xxvi) 251/1I	1,71,000/-
20	(i) 1014/2010 & 10.11.2010 (ii) 914/2011 & 27.4.2011 (iii) 1533/2011 & 7.9.2011 (iv) 1081/2011 & 11.5.2011 (v) 1577/2011 & 7.9.2011	(i) 69/4D, 69/5B (ii) 68/3B, 69/4A (iii) 69/4E, 69/5C (iv) 69/3B, 69/3I, 69/4A, 69/4C, 69/5A (v) 69/6E	1,71,000/-

86. Apart from the additional documents filed by the appellant and the additional documents filed by the land owners, the appellant has also filed copies of the data sales that formed part of the proceedings of the Land Acquisition Officer, but which were not marked in evidence before the Land Acquisition Tribunal. Unfortunately, the sales statistics relating to the transactions that took place between 21.2.1989

and 20.2.1991 were just filed as a tabulation before the Tribunal without marking copies of individual sale deeds that form part of the data sales. Therefore, we permitted the appellant to file copies of the data sales, on which, they placed reliance.

87. The particulars such as date of sale, survey number, extent sold, sale consideration and the market rate reflected in the sale deed, in respect of the documents filed by the appellant are given in the following table :

S. No	Date of sale	Survey No.	Extent Sold	Sale Consideration	Market rate reflected in the sale deed per cent
1	8.6.1989	190/11	24 cents	Rs.6,000/-	Rs.250/-
2	7.9.1989	267/13	41 cents	Rs.10,250/-	Rs.250/-
3	26.9.1989	42A/1	12 cents	Rs.3,000/-	Rs.250/-
4	26.9.1989	10/4	82 1/2 cents	Rs.6,200/-	Rs.75.15
5	6.10.1989	74/9 74/9A1	25 cents 10 Ares (24.7 cents)	Rs.6,600/-	Rs.132.7
6	8.2.1993	207/7	85 cents	Rs.42,500/-	Rs.500/-
7	26.5.1994	314/12	15 cents	Rs.7,500/-	Rs.500/-
8	2.2.1989	65/3A	5 cents	Rs.1,000/-	Rs.200/-
9	19.3.1990	195/4	18 cents	Rs.3,600/-	Rs.200/-
10	19.3.1990	201/1	50 cents	Rs.12,500/-	Rs.250/-
11	30.3.1990	74/9A6	11 cents	Rs.2,200/-	Rs.200/-

88. Thus, we have on hand (i) a set of documents that formed part of the data sales taken note of by the Land Acquisition Officer (ii) a set of additional documents filed by the appellants and (iii) a set of additional documents filed by the land owners. From these documents, we may have to find out the market value of the land acquired.

89. The documents now filed on both sides can be classified into two categories. The first category of documents is a set of Lok Adalat awards. The second category of documents is a set of sale deeds.

90. Arguments were advanced on both sides on the question as to whether Lok Adalat awards can form the basis for the determination of the market value of the land. Generally, they cannot. The list of matters that could be taken into account in determining the amount of compensation, is found in Section 23 (1). The list of matters to be neglected in determining the compensation, is found in Section 24. Since Lok Adalat is a concept of recent origin, an award passed in the Lok Adalat is not one of the factors, to which, a reference is made either in Section 23 or in Section 24 or in any other Section of the Land Acquisition Act, 1894.

91. Moreover, a Lok Adalat award is one where both parties enter into a settlement of a dispute. Some times, one party to such a settlement may agree to take a lesser amount, due to the peculiar circumstances, in which, he is placed and with a view to avoid a protracted litigation. Some times, the other party to such settlements may be willing to pay a higher price, after working out the cost benefit ratio in settling the dispute and in litigating. Therefore, a Lok Adalat award need not necessarily be a proper indication of the real market value of the land.

92. In addition, in the cases on hand, the Lok Adalat awards, on which, reliance is placed, have been passed for block periods. As seen from Ex.R.7 to Ex.R.26, which are tabulated in paragraph 85 above, a rate of Rs.76,500/- has been accepted by parties in some Lok Adalat awards. A rate of Rs.1,71,000/- has been adopted in some Lok Adalat awards. Even according to Mr.N.A.K.Sarma, learned counsel appearing for the appellant, the rates agreed to between the parties before the Lok Adalat awards depended upon the block years, into which, the awards fell. This has resulted in the land owners, whose lands were acquired

pursuant to the Notifications issued under Section 4(1) during a period of 3 to 5 years, getting the same amount of compensation from the Lok Adalat.

93. The compensation payable to a person, whose land was acquired pursuant to a Notification issued in the year 1991, cannot be the same as the compensation fixed for a person, whose land was acquired pursuant to the Notification issued in 1993 or 1995. The fact that groups of land owners, whose lands were acquired pursuant to different Notifications issued during a period of 3 to 5 years, have accepted the same amount before the Lok Adalat, is no indicator of the fact that the market rate of the land did not change for 3 to 5 years. Therefore, we are of the view that an amount arrived at by the parties for the purpose of settling a dispute before the Lok Adalat cannot form the basis for determining the market rate.

94. It is well settled that if a statute requires a particular thing to be done in a particular manner, it shall be done only in the manner prescribed. The Land Acquisition Act obliges the Land Acquisition Officer or the Tribunal, as the case may be, to determine the compensation payable for the land acquired, on the basis of the market rate as determined as on the date of the Notification under Section 4(1). The fact that groups and groups of land owners agreed to take the same amount of compensation before the Lok Adalats irrespective of the dates of Notification under Section 4(1), under which, their lands were acquired, can be seen easily from the following tabulation furnished by the appellant Corporation themselves :

सत्यमेव जयते

WEB COPY

Compensation amount per acre	Lok Adalat Awards, in which, this amount was agreed with date	The award of LAO, to which, this Lok Adalat relates
Rs.76,500/-	59/2010 & 3.2.2010	1/1992 dated 7.2.1992
	25/2012 & 4.1.2012	1/1992 dated 7.2.1992
	1481/2011 & 7.9.2011	2/1992 dated 12.2.1992
	515/2010 & 18.8.2010	2/1992 dated 12.2.1992
	843/2010 & 21.10.2010	2/1992 dated 12.2.1992
	528/2011 & 19.2.2011	2/1992 dated 12.2.1992
	776/2011 & 30.3.2011	2/1992 dated 12.2.1992
	1348/2011 & 17.7.2011	2/1992 dated 12.2.1992
	1553/2011 & 7.9.2011	2/1992 dated 12.2.1992
	26/2012 & 4.1.2012	2/1992 dated 12.2.1992
	1284/2011 & 15.6.2011	3/1992 dated 18.3.1992
	1022/2010 & 8.12.2010	3/1992 dated 18.3.1992
	78/2012 & 20.6.2012	3/1992 dated 18.3.1992
	876/2011 & 27.4.2011	3/1992 dated 18.3.1992
	552/2011 & 19.2.2011	4/1992 dated 6.5.1992
	1479/2011 & 7.9.2011	4/1992 dated 6.5.1992
	762/2011 & 30.3.2011	4/1992 dated 6.5.1992
	708/2011 & 23.3.2011	4/1992 dated 6.5.1992
	652/2011 & 23.2.2011	4/1992 dated 6.5.1992
	936/2011 & 27.4.2011	4/1992 dated 6.5.1992
	1551/2011 & 7.9.2011	4/1992 dated 6.5.1992
	1552/2011 & 7.9.2011	4/1992 dated 6.5.1992
	709/2010 & 6.10.2010	3/1993 dated 26.4.1993
	1480/2011 & 7.9.2011	3/1993 dated 26.4.1993
	247/2011 & 12.2.2011	3/1993 dated 26.4.1993
	28/2012 & 4.1.2012	3/1993 dated 26.4.1993
	168/2010 & 17.6.2010	5/93 dated 28.4.1993
	1013/2010 & 10.11.2010	5/93 dated 28.4.1993
	990/2011 & 11.5.2011	5/93 dated 28.4.1993
	337/2011 & 16.2.2011	5/93 dated 28.4.1993
	922/2011 & 27.4.2011	5/93 dated 28.4.1993
	1175/2011 & 8.6.2011	7/93 dated 22.12.1993
	351/2011 & 11.2.2011	7/93 dated 22.12.1993
	1329/2011 & 7.7.2011	7/93 dated 22.12.1993
	1547/2011 & 7.9.2011	7/93 dated 22.12.1993
	1548/2011 & 1.9.2011	8/93 dated 23.12.1993
	1558/2011 & 7.9.2011	8/93 dated 23.12.1993
	345/2010 & 21.7.2010	3/94 dated 5.5.1994
	469/2010 & 11.8.2010	3/94 dated 5.5.1994
	470/2010 & 11.8.2010	3/94 dated 5.5.1994
	471/2010 & 11.8.2010	3/94 dated 5.5.1994
	703/2011 & 23.3.2011	3/94 dated 5.5.1994
	674/2010 & 15.9.2010	3/94 dated 5.5.1994
	477/2010 & 11.8.2010	3/94 dated 5.5.1994
	759/2011 & 30.3.2011	3/94 dated 5.5.1994
	982/2010 & 10.11.2010	3/94 dated 5.5.1994
	1119/2010 & 15.12.2010	5/94 dated 30.5.1994
	722/2010 & 6.10.2010	5/94 dated 30.5.1994
	335/2011 & 16.2.2011	5/94 dated 30.5.1994
	1055/2011 & 5.11.2011	5/94 dated 30.5.1994
	673/2011 & 23.2.2011	8/94 dated 6.6.1994
	960/2010 & 10.11.2010	8/94 dated 6.6.1994
	472/2010 & 11.8.2010	8/94 dated 6.6.1994
	1757/2011 & 19.11.2010	8/94 dated 6.6.1994

95. The above table reflects only the number and date of the various awards passed by the Land Acquisition Officer, which ultimately landed up in references under Section 18 and which were settled before the Lok Adalat. The above table does not contain the details regarding the date of Notification under Section 4(1). But, from the dates of the awards passed by the Land Acquisition Officer, it can be safely inferred that the dates of Notification under Section 4(1) should have certainly preceded the awards. Therefore, it is clear from the above table that in respect of cases where the Notifications for acquisition were issued in the years 1991 and 1992, the parties agreed to take compensation of Rs.76,500/- per acre before the Lok Adalat. In cases where the Notifications for acquisition were issued in the years 1995 - 2000, the parties had agreed to take a compensation of Rs.1,71,000/- per acre. Hence, such settlements, which take the market value as static for a period of five years, cannot be the sole basis, on which, the market value of the land as on the date of Notification under Section 4(1) could be arrived at. Therefore, we do not propose to go by the Lok Adalat awards filed as additional documents by the appellant for fixing the market value of the land.

96. That takes us to the question as to whether the sale deeds relied upon by the land owners or the sale deeds relied upon by the appellant, reflect the market value and if so, what that market value is.

97. As we have seen already, out of 20 documents filed as additional documents and marked as Ex.P.10 to Ex.P.29, five are awards, one is a set of encumbrance certificate (series) and one is a sale statistics. The remaining 13 are sale deeds. These sale deeds are marked as Ex.P.10 to Ex.P.18, Ex.P.20, Ex.P.21, Ex.P.24 and Ex.P.25. We are not taking into account the awards, for the reasons, which we have explained above. In fact, we have discarded the Lok Adalat awards relied upon by the appellant also. The sales statistics filed as Ex.P.29 cannot be taken into account, as it merely contains a list. The encumbrance certificate (series) marked as Ex.P.28 is not taken into account for two reasons namely (a) that they relate to sale of house sites of very small extents and (ii) that the dates of the transactions are from 1994 to 2015.

98. Therefore, we are now left with 13 sale deed documents filed as additional evidence by the appellant and they have been marked as Ex.P.10 to Ex.P.18, Ex.P.20, Ex.P.21, Ex.P.24 and Ex.P.25. The dates of the sale deeds Ex.P.10 to Ex.P.18 range from 16.2.1990 to 28.10.1990. The highest value reflected in Ex.P.10 to Ex.P.18 is Rs.7,778/- per cent. The lowest value reflected in these sale deeds is Rs.1,500/- per cent.

99. Similarly, in the sale deed documents Ex.P.20, Ex.P.21, Ex.P.24 and Ex.P.25, the lowest value reflected is Rs.6,667/- per cent and the highest value reflected is Rs.35,000/- per cent. But, the dates of execution of the sale deeds under Ex.P.20, Ex.P.21, Ex.P.24 and Ex.P.25 are 7.7.1992, 19.8.1992, 30.12.1996 and 28.1.1998.

100. In the batch of cases on hand, the dates of issue of Notifications under Section 4(1) range from 1991 to 2000. Therefore, we have to go on case to case basis by comparing the date of issue of Notification under Section 4(1) in every case, with the date of sale deed under any one of the above exhibits. We may also have to compare the survey numbers of the lands involved in the batch of cases on hand with the survey numbers of the lands covered by the sale deed documents Ex.P.10 to Ex.P.18, Ex.P.20, Ex.P.21, Ex.P.24 and Ex.P.25. Such a

comparison will be as follows :

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
1	21.2.1991	Parts of 59, 60, 61, 62, 63 & 341	546/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
2	21.2.1991	Parts of 48, 59, 50 & 51	547/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
3	21.2.1991	Parts of 48, 59, 50 & 51	548/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
4	21.2.1991	Parts of 59, 60, 61, 62, 63 & 341	556/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
5	21.2.1991	Parts of 48, 59, 50 & 51	557/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
6	21.2.1991	Parts of 39, 42 & 338	576/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
7	21.2.1991	Parts of 39, 42 & 338	577/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
8	21.2.1991	Parts of 179, 180 & 214	578/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
9	21.2.1991	Parts of 59, 60, 61, 62, 63 & 341	582/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
10	21.2.1991	Parts of 44 & 47	594/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
11	21.2.1991	Parts of 44 & 47	595/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
12	21.2.1991	Parts of 44 & 47	488/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
13	21.2.1991	Parts of 59, 60, 61, 62, 63 & 341	497/2015	16.2.1990 10.12.1990 11.2.1991 18.2.1991	321/8 286/7 A 330/1 1A 333/3	Rs.1,500/- Rs.2,616/- Rs.5,670/- Rs.3,600/-
14	11.5.1991	Parts of 62, 63, 64 & 65	549/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
15	11.5.1991	Parts of 62, 63, 64 & 65	550/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
16	11.5.1991	Parts of 62, 63, 64 & 65	562/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
17	11.5.1991	Parts of 62, 63, 64 & 65	564/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
18	11.5.1991	Parts of 62, 63, 64 & 65	580/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
19	10.6.1991	Parts of 72, 73 & 74	563/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
20	15.7.1991	Parts of 283	543/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
21	15.7.1991	Parts of 287 & 288	554/2015 554/2015 (2 lands)	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
22	15.7.1991	Parts of 287 & 288	567/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
23	15.7.1991	Parts of 287 & 288	571/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
24	15.7.1991	Parts of 283	572/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
25	15.7.1991	Parts of 287 & 288	584/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
26	15.7.1991	Parts of 287 & 288	585/2015	20.3.1991 25.3.1991 27.3.1991 27.3.1991	335/2 A 330/4 335/7 325/1	Rs.7,778/- Rs.5,556/- Rs.3,600/- Rs.3,902/-
27	30.12.1991	Parts of 76 & 77	559/2015	28.10.1991	234/1	Rs.2,500/-
28	30.12.1991	Parts of 76 & 77	490/2015	28.10.1991	234/1	Rs.2,500/-
29	2.1.1992	Parts of 273, 274 & 275	555/2015	28.10.1991	234/1	Rs.2,500/-
30	2.1.1992	Parts of 189, 190 & 192	558/2015	28.10.1991	234/1	Rs.2,500/-
31	2.1.1992	Parts of 189, 190 & 192	560/2015	28.10.1991	234/1	Rs.2,500/-
32	2.1.1992	Parts of 189, 190 & 192	565/2015	28.10.1991	234/1	Rs.2,500/-
33	2.1.1992	Parts of 196 & 197	566/2015	28.10.1991	234/1	Rs.2,500/-
34	2.1.1992	Parts of 198, 199 & 200	568/2015	28.10.1991	234/1	Rs.2,500/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
35	2.1.1992	Parts of 273, 274 & 275	574/2015	28.10.1991	234/1	Rs.2,500/-
36	2.1.1992	Parts of 189, 190 & 192	587/2015	28.10.1991	234/1	Rs.2,500/-
37	2.1.1992	Parts of 75 & 78	590/2015	28.10.1991	234/1	Rs.2,500/-
38	2.1.1992	Parts of 198, 199 & 200	492/2015	28.10.1991	234/1	Rs.2,500/-
39	2.1.1992	Parts of 198, 199 & 200	493/2015	28.10.1991	234/1	Rs.2,500/-
40	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	552/2015, 552/2015 (2 lands)	28.10.1991	234/1	Rs.2,500/-
41	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	553/2015, 553/2015 (2 lands)	28.10.1991	234/1	Rs.2,500/-
42	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	569/2015	28.10.1991	234/1	Rs.2,500/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
43	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	570/2015	28.10.1991	234/1	Rs.2,500/-
44	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	581/2015	28.10.1991	234/1	Rs.2,500/-
45	6.1.1992	Parts of 179, 180, 181, 182, 183 & 213	491/2015	28.10.1991	234/1	Rs.2,500/-
46	21.1.1992	Parts of 193, 194 & 195	544/2015	28.10.1991	234/1	Rs.2,500/-
47	21.1.1992	Parts of 193, 194 & 195	545/2015	28.10.1991	234/1	Rs.2,500/-
48	21.1.1992	Parts of 193, 194 & 195	943/2015	28.10.1991	234/1	Rs.2,500/-
49	21.1.1992	Parts of 193, 194 & 195	575/2015	28.10.1991	234/1	Rs.2,500/-

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
50	21.1.1992	Parts of 193, 194 & 195	583/2015	28.10.1991	234/1	Rs.2,500/-
51	21.1.1992	Parts of 193, 194 & 195	586/2015	28.10.1991	234/1	Rs.2,500/-
52	21.1.1992	Parts of 193, 194 & 195	588/2015	28.10.1991	234/1	Rs.2,500/-
53	21.1.1992	Parts of 193, 194 & 195	589/2015	28.10.1991	234/1	Rs.2,500/-
54	21.1.1992	Parts of 193, 194 & 195	591/2015	28.10.1991	234/1	Rs.2,500/-
55	21.1.1992	Parts of 193, 194 & 195	593/2015	28.10.1991	234/1	Rs.2,500/-
56	21.1.1992	Parts of 193, 194 & 195	596/2015	28.10.1991	234/1	Rs.2,500/-
57	21.1.1992	Parts of 193, 194 & 195	597/2015	28.10.1991	234/1	Rs.2,500/-
58	20.7.1995	Parts of 201 & 206	573/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -

S. No	Date of Notification U/S 4 (1)	Survey No.	A.S.No.	Sale deeds of a date prior to Notification U/S 4 (1)	Survey No.	Value per cent
59	20.7.1995	Parts of 202 & 204	592/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -
60	20.7.1995	-	495/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -
61	31.7.1995	-	494/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -
62	20.5.1996	Parts of 187, 188, 203 & 215	579/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -
63	20.5.1996	Parts of 187, 188, 203 & 215	496/2015	7.7.1992 19.8.1992	241/1 2 286/5 A	Rs.6,667/- Rs.35,000/- -
64	18.5.1998	Parts of 238, 251, 252 & 253	551/2015	30.12.1996 28.1.1998	240/1 0 251/7	Rs.10,479/- - Rs.11,336/- -
65	8.8.2000	Parts of 68, 69 & 70	561/2015	30.12.1996 28.1.1998	240/1 0 251/7	Rs.10,479/- - Rs.11,336/- -

101. From the above table, it could be seen that the acquired lands, the adequacy of compensation in respect of which, has become the subject matter of the present appeals, are situate in survey Nos.39, 42, 44, 47, 48, 50, 51,52, 53, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 179, 180, 181, 182, 183, 187, 188, 189, 190, 192, 193, 194, 195, 196,

197, 198, 199, 200, 201, 203, 204, 206, 213, 214, 215, 238, 251, 252, 253, 273, 274, 275, 283, 287, 288, 338 & 341. The sale deeds, on which, reliance is placed by the land owners, relate to lands situate in survey Nos.234/1, 240/10, 241/12, 251/7, 286/5A, 286/7A, 321/8, 325/1, 330/4, 330/11A, 333/3, 335/2A and 335/7.

102. Therefore, as we have indicated earlier, we should now see whether the lands covered by the sale deeds relied upon by the land owners, have proximity to the acquired lands. To enable us to see which of the sold lands are proximate to which of the acquired lands, the appellant Corporation has filed a topo sketch. Though the topo sketch was not filed by any of the parties, either before the Tribunal or before this Court in the form of additional evidence, we have taken it on record, since both parties agreed to the correctness of the same. Therefore, the topo sketch is marked as Ex.R.27.

103. It is seen from the topo sketch that almost all the acquired lands are located in between the railway track that connects Vridhachalam Junction with Cuddalore Junction and the Vridhachalam - Cuddalore Highway. Some acquired lands such as those in survey Nos.44, 47, 50, 51, 59, 60, 61, 62 and 180 are located to the north of the railway track.

104. Similarly, the lands in S.F.Nos.234, 240, 241, 251 and 286 are located in between the aforesaid railway track and Vridhachalam - Cuddalore Highway. There is a small difference. The acquired lands, which are situate in between the railway track and the highway are on the eastern side, while the lands, covered by the sale deeds and located in S.F.Nos.234, 240, 241 and 251, are on the western side. There is also one more difference. The lands covered by the sale deeds are located in the immediate neighborhood of the Vridhachalam - Cuddalore Highway. Similarly, the lands in S.F.Nos.321, 325, 330, 333 and 335, covered by the sale deeds relied upon by the land owners, are located to the south of the Vridhachalam - Cuddalore Highway and they are actually abutting the highway.

105. Therefore, even if the lands in S.F.Nos.234, 240, 241, 251, 321, 325, 330, 333 and 335, which are covered by the sale deeds relied upon by the land owners, are not comparable, the land in S.F.No.286 at least is comparable to the acquired lands.

106. Various sub-divisions of the land in S.F.No.286, are the subject matter of quite a few sale deeds, relied upon by the land owners. The dates of the sale deeds, under which, some sub-division of S.F.No.286 was shown and the rate at which, the land was sold under the sale deed, are given as follows :

S.No	Date of sale deed	Survey No.	Rate per cent
1	10.11.1990	286/7A	Rs.2,616/-
2	19.8.1992	286/5A	Rs.35,000/-

107. As we have indicated in paragraph 100 above, the dates of issue of Notifications under Section 4(1), in the present batch of 65 cases, are 21.2.1991, 11.5.1991, 10.6.1991, 15.7.1991, 30.12.1991, 2.1.1992, 6.1.1992, 21.1.1992, 20.7.1995, 31.7.1995, 20.5.1996, 18.5.1998 and 8.8.2000. Therefore, there cannot be any objection on the part of the appellant Corporation at least for taking the sale deed dated 10.12.1990, by which, the land in S.F.No.286/7A was sold for Rs.2,616/- per cent or Rs.2,61,600/- per acre. While this sale deed can be taken as the base for determining the market rate of lands, which were acquired under the Notifications issued between the period from 21.2.1991 to 21.1.1992, it may not be fair to take the same rate even for the lands acquired under the Notifications dated 20.7.1995 or 20.5.1996 or 18.5.1998 or 8.8.2000. For arriving at the market value in respect of the lands that became the subject matter of acquisition under the Notifications of the years 1995, 1996, 1998 or 2000, the market value reflected in the sale deed dated 10.12.1990 can be increased by an appropriate percentage.

108. We are conscious of the fact that the land in S.F.No.286 is very near the Cuddalore - Vridhachalam Highway and some of the acquired lands are little away from the National Highway, but abutting the railway track. But, this factor will be offset by the fact that we are taking the sale deed dated 10.12.1990 as the base for determining the market value of the land covered by the Notifications issued upto 21.1.1992.

109. Therefore, in fine, we are of the view that the judgments and decrees of the Land Acquisition Tribunal could be modified, fixing the market value at Rs.2,61,600/- (Rupees two lakhs sixty one thousand and six hundred only) per acre for the land acquired under the Notifications of the dates between 10.12.1990 to 21.1.1992.

110. In respect of the lands covered by the Notifications issued in July 1995 and May 1996, the rate can be fixed by increasing the aforesaid rate of Rs.2,616/- per cent by 20% (at the rate of 5% per year). In respect of the lands acquired under the Notification dated 18.5.1998, the rate of Rs.2,616/- can be increased by 30%. In respect of the land acquired under the Notification dated 8.8.2000, the rate can be increased by 40%.
INTEREST :

111. The next issue to be taken up for consideration is about the interest payable. This issue is projected in all earnestness by Mr.N.A.K. Sarma, learned counsel appearing for the appellant on the ground that due to the enormous delay on the part of the land owners in seeking the references, the liability of the appellant Corporation has increased manifold. Therefore, it is his contention that where the statute provides a small leverage with regard to the rate of interest, the benefit of the same should be extended to the appellant.

112. Sub-Section (1-A) of Section 23 of the Land Acquisition Act, 1894 mandates that in addition to the market value of the land, the Court shall award interest at 12% per annum, on the market value, for the period commencing on and from the date of publication of the Notification under Section 4(1), upto the date of the award passed by the Collector or the date of taking possession, whichever is earlier. This provision uses the expression 'shall'.

113. Therefore, Mr.N.A.K.Sarma, learned counsel for the appellant - Corporation has no quarrel about the award of interest under Section 23(1-A). He does not also have and cannot have any objection with regard to the solatium payable under Section 23(2). Similarly, section 34 also uses the expression "Shall".

114. But in contrast, the interest that is prescribed under the Proviso to Section 28, appears to be at the discretion of the Court, in view of the language employed. Section 28 speaks about the interest payable on the enhanced amount of compensation. It deals with 2 different periods, for which, such interest is payable. In the substantive part of Section 28, a mandate to the Court is contained, to direct the Collector to pay interest on the excess amount at the rate of 9% per annum from the date of taking possession till the date of payment of such excess into Court. The Proviso to Section 28 addresses itself to a question as to what happens, when the deposit of excess amount of compensation is delayed by the Collector, for an unduly long period of time. The Proviso empowers the Court to direct payment of interest at 15% per annum, if the excess amount is paid after the expiry of one year from the date of taking possession. Since the expression used in Section 28 is different from the expression used in Section 23(1-A), the learned counsel for the appellant contends that this Court should not award interest at 15% per annum.

115. We have carefully considered the above submissions.

116. Three different expressions are used in Section 23(1-A) and Section 28. Section 23(1-A) uses the expression 'shall'. The substantive part of Section 28 uses the expression 'the Court may direct'. The Proviso to Section 28 uses the expression 'the Court may also direct'.

117. Interestingly, Section 28 has to be understood in the context of and in comparison with Section 34. It will be useful to read them simultaneously and hence, they are presented in a tabular column, which is as follows :

Section 28	Section 34
Collector may be directed to pay interest on excess compensation- ?If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of nine per centum per annum from the date on which he took possession of the land to the date of payment of such excess into Court: Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.	Payment of interest - ?When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited: Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.

118. It can be seen from the above statutory provisions that both of them speak of two types of interest, in respect of two different periods. The substantive part of Section 28 as well as

the substantive part of Section 34 speak of payment of interest at 9% per annum for the period from the date of taking possession of the land to the date of payment. The Proviso to Section 28 as well as the Proviso to Section 34 speak of payment of interest at 15% per annum, calculated from the date of expiry of one year, if the amount is not deposited before the expiry of one year.

119. Despite the above similarities between Sections 28 and 34, there are two fundamental distinctions between both. They are (i) that what Section 28 speaks about is the excess amount of compensation awarded by the Tribunal, whereas what Section 34 speaks about is the amount as awarded by the Collector, as could be seen from the usage of the expression "such compensation" in Section 34, that is relatable only to Part V of the Act and in particular Section 31; and (ii) that while Section 28 uses the expression 'may' in the substantive part and the expression 'may also' in the Proviso, Section 34 uses the expression 'shall', both in the substantive and in the Proviso to Section 34. Yet another difference is the fact that Section 28 deals with the power of the Court to award interest. But, Section 34 deals with the obligation on the part of the Collector to pay interest.

120. Therefore, even if we construe the expression 'may' appearing in the substantive part of Section 28 as 'shall', the same logic cannot be extended to the interpretation of the expressions contained in the Proviso to Section 28. The inclusion of the word 'also' after the word 'may' signifies that there is an element of discretion vested with the Court.

121. The reasons for the employment of different expressions, are not too difficult to decipher. The Legislature had used the expression 'shall' in Sections 23(1-A) and 34, in view of the fact that the land owner should not be made to suffer, if the Collector takes his own sweet time, after the issue of the Notification under Section 4(1), to pass an award or to take possession. The Act contemplates the market value to be determined with reference to the date of Notification under Section 4(1). Since the market value freezes as on the date of the Notification under Section 4(1), the land owner will be at a loss, if an award is passed after a long period of time. Therefore, the interest payable under Section 23(1-A) is mandatory. Similarly, section 34 addresses the issue as to what would happen if the Collector takes his own time to deposit even the amount awarded by him. Therefore, the expression "shall" is used therein.

122. At least in two cases, the Supreme Court appears to have indicated that the grant of interest under Section 28 is discretionary.

123. In Union of India Vs. Pramod Gupta [2005 (12) SCC 1], the Supreme Court stated in paragraph 101 of the report that the grant of interest in terms of Section 28 is discretionary, though the rate of interest specified therein is mandatory. The Court also pointed out that interest payable under Section 34 is imperative. The Court went to the extent of holding that it is possible for a party even to waive the claim for interest.

124. In the next decision in Commissioner of Income Tax, Faridabad Vs. Ghanshyam [2009 (8) SCC 412], the Supreme Court was actually concerned with a question as to whether the amount of compensation and interest paid under Land Acquisition Act are taxable in year of receipt or not. While dealing with this issue, the Supreme Court considered the nature of amount awarded under various provisions of the Land Acquisition Act to determine its taxability and observed as under :

"The award of interest under Section 28 of the 1894 Act is discretionary. Section 28 applies when the amount originally awarded has been paid or deposited and when the Court awards excess amount. In such cases interest on that excess alone is payable. Section 28 empowers the Court to award interest on the excess amount of compensation awarded by it over the amount awarded by the Collector. The compensation awarded by the Court includes the additional compensation awarded under Section 23(1-A) and the solatium under Section 23(2) of the said Act. This award of interest is not mandatory but is left to the discretion of the Court. Section 28 is applicable only in respect of the excess amount which is determined by the Court after a reference under Section 18 of the 1894 Act. Section 28 does not apply to cases of undue delay in making award for compensation. See: Ram Chand and Ors. etc. v. Union of India and Ors. (1994) 1 SCC 44. In the case of Shree Vijay Cotton & Oil Mills Ltd, . vs. State of Gujarat (1991) 1 SC 262, this Court has held that interest is different from compensation."

125. Therefore, we agree that the award of interest under Section 28 is discretionary. But, the correct way of understanding Section 28 is to hold that the award of interest at 9% per annum, as per the substantive part of Section 28, is imperative, while the award of interest in terms of the Proviso to Section 28, is at the discretion of the Court. The very fact that the Legislature used only the expression 'may direct' in the substantive part of Section 28, but used the expression 'may also direct' in the Proviso to Section 28, would indicate that the award of interest under the substantive part of Section 28

may have to be taken as mandatory. Otherwise, the substantive part of Section 28 cannot be reconciled with Section 34.

126. Unless we construe the substantive part of Section 28 to be mandatory and the Proviso to Section 28 to be discretionary, a disastrous consequence may follow. A Court may choose to exercise the discretion not to award interest at 15% per annum, when the contingency stipulated in the Proviso to Section 28 arises.

127. If the Court so chooses to do, the Court cannot even award a lesser rate of interest under the Proviso to Section 28. This is due to the fact that the Proviso to Section 28 does not use the expression 'interest upto 15% per annum'. It uses the expression 'interest at the rate of 15% per annum'. Therefore, if Section 28, in entirety, is taken to be discretionary, the Court may have only two options either to award interest at 9% for the first year and to award interest at 15% from the second year onwards or to award interest at 0%. If the discretion conferred under Section 28 is correctly to be understood, it should be taken to mean that the discretion to award interest is from 9% to 15%.

128. In other words, if the substantive part as well as the Proviso to Section 28 are taken only to be discretionary, the Court may have to either award 0% or 9%/15%. This is due to the omission to use the expression 'upto 9%' or 'upto 15%'.

129. If the substantive part of Section 28 is taken to be mandatory (by reading the expression 'may', to mean 'shall') and the Proviso to Section 28 is taken to be discretionary, the Court will have the discretion to award interest at the rate ranging from 9% to 15%.

130. Keeping these factors in mind, if we come back to the cases on hand, the strong plea made by Mr.N.A.K.Sarma, learned counsel for the appellant is to deprive the land owners of interest in terms of Section 28. This is due to the fact that the references themselves were made after many number of years and the references were also answered after a long period of time.

131. But, once we accept the contention of the learned counsel for the appellant that the references were made after a long period of time, we have to accept the other contention of the learned counsel for the appellant that the references are time barred. A finding that the references are not barred by limitation cannot go along with a finding that the land owners

are not entitled to interest on account of the long delay in making references.

132. As we have pointed out, while dealing with the question of limitation, the references were made first to a Court in Neyveli and they got transferred to the Court at Cuddalore. A major part of the delay appears to have occasioned on this account. We cannot penalize the land owners on account of this.

133. The argument that the appellant Corporation should not also be penalized due to the delay (on whomsoever part it is) cannot be accepted. The devaluation of rupee and the increase in the price of immovable properties are all factors, which will offset the interest payable under Section 28 for the appellant. But, even with the interest paid on the compensation, the land owners cannot today get another land of similar nature. Therefore, we do not propose to exercise the discretion under Section 28 in favour of the appellant.

134. In view of the foregoing, all the appeals are allowed to the following extent :

(i) the awards passed by the Special Subordinate Court, Cuddalore, which are under appeals, are modified

(ii) the market value per cent is fixed for the lands covered by these appeals as per the table below :

S.N o	L.A.O.P.No.	A.S.No.	Market value fixed per cent
1	87/2013	488/2015	Rs.2,616/-
2	6/2014	490/2015	Rs.2,616/-
3	9/2014	491/2015	Rs.2,616/-
4	192/2014	492/2015	Rs.2,616/-
5	193/2014	493/2015	Rs.2,616/-
6	196/2014	494/2015	Rs.3,140/-
7	197/2014	495/2015	Rs.3,140/-
8	198/2014	496/2015	Rs.3,140/-
9	284/2014	497/2015	Rs.2,616/-
10	4/2013	543/2015	Rs.2,616/-
11	7/2013	544/2015	Rs.2,616/-
12	8/2013	545/2015	Rs.2,616/-
13	10/2013	546/2015	Rs.2,616/-

S.N o	L.A.O.P.No.	A.S.No.	Market value fixed per cent
14	11/2013	547/2015	Rs.2,616/-
15	12/2013	548/2015	Rs.2,616/-
16	13/2013	549/2015	Rs.2,616/-
17	14/2013	550/2015	Rs.2,616/-
18	42/2013	551/2015	Rs.3,400/-
19	61/2013	552/2015	Rs.2,616/-
20	68/2013	553/2015	Rs.2,616/-
21	72/2013	554/2015	Rs.2,616/-
22	78/2013	555/2015	Rs.2,616/-
23	118/2013	556/2015	Rs.2,616/-
24	119/2013	557/2015	Rs.2,616/-
25	123/2013	558/2015	Rs.2,616/-
26	129/2013	559/2015	Rs.2,616/-
27	154/2013	560/2015	Rs.2,616/-
28	330/2013	561/2015	Rs.3,660/-
29	347/2013	562/2015	Rs.2,616/-
30	348/2013	563/2015	Rs.2,616/-
31	369/2013	564/2015	Rs.2,616/-
32	630/2013	565/2015	Rs.2,616/-
33	631/2013	566/2015	Rs.2,616/-
34	5/2014	567/2015	Rs.2,616/-
35	7/2014	568/2015	Rs.2,616/-
36	11/2014	569/2015	Rs.2,616/-
37	12/2014	570/2015	Rs.2,616/-
38	13/2014	571/2015	Rs.2,616/-
39	14/2014	572/2015	Rs.2,616/-
40	15/2014	573/2015	Rs.3,140/-
41	16/2014	574/2015	Rs.2,616/-
42	17/2014	575/2015	Rs.2,616/-
43	18/2014	576/2015	Rs.2,616/-
44	19/2014	577/2015	Rs.2,616/-
45	20/2014	578/2015	Rs.2,616/-

S.N o	L.A.O.P.No.	A.S.No.	Market value fixed per cent
46	21/2014	579/2015	Rs.3,140/-
47	22/2014	580/2015	Rs.2,616/-
48	24/2014	581/2015	Rs.2,616/-
49	50/2014	582/2015	Rs.2,616/-
50	51/2014	583/2015	Rs.2,616/-
51	52/2014	584/2015	Rs.2,616/-
52	53/2014	585/2015	Rs.2,616/-
53	55/2014	586/2015	Rs.2,616/-
54	60/2014	587/2015	Rs.2,616/-
55	62/2014	588/2015	Rs.2,616/-
56	97/2014	589/2015	Rs.2,616/-
57	145/2014	590/2015	Rs.2,616/-
58	147/2014	591/2015	Rs.2,616/-
59	180/2014	592/2015	Rs.3,140/-
60	257/2014	593/2015	Rs.2,616/-
61	260/2014	594/2015	Rs.2,616/-
62	306/2014	595/2015	Rs.2,616/-
63	320/2014	596/2015	Rs.2,616/-
64	459/2014	597/2015	Rs.2,616/-
65	629/2013	943/2015	Rs.2,616/-

(iii) the land owners will be entitled to interest as per and at the rate indicated in Section 23(1-A), solatium as per and at the rate indicated in Section 23(2) and interest as per and at the rate indicated in the substantive part of and the Proviso to Section 28 and

(iv) the appellant will be entitled to proportionate costs in these appeals.

Consequently, all other connected pending MPs are closed.

Sd/-
Assistant Registrar(CO)

//True Copy/

Sub Assistant Registrar

RS

TO

1. The Special Subordinate Judge, Cuddalaore.

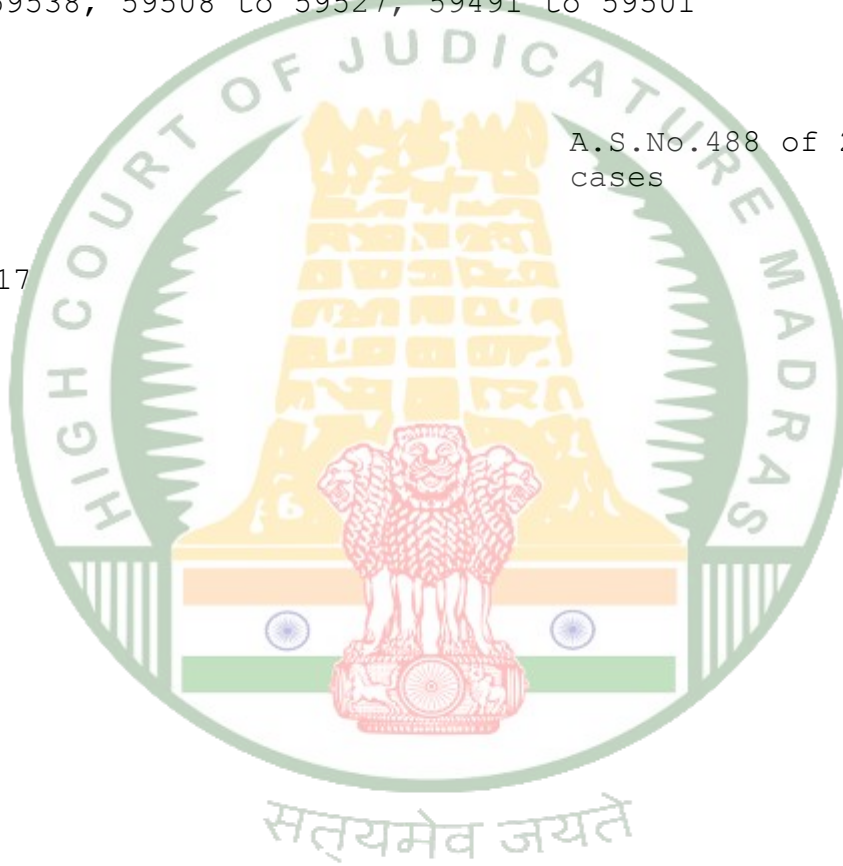
2. The Section Officer, VR Section, High Court, Madras.

+ 65 ccs to Mr.V. Anand, Advocate SR.59767

+ 65 ccs to Mr.N. Nithyanandam, Advocate SR.59540 to 59565,
59531 to 59538, 59508 to 59527, 59491 to 59501

A.S.No.488 of 2015 etc.
cases

KJI (CO)
EU 06.02.17



WEB COPY