

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2015

Coram:

The Hon'ble Mr.Justice V.RAMASUBRAMANIAN

AND

The Hon'ble Mr.Justice T.MATHIVANAN

Appeal Suit Nos.524 to 535 of 2011

The Special Tahsildar,
Outer Ring Road Project
CMDA Egmore, Chennai 8
Now Office at Koyambedu Wholesale
Market Complex,
Chennai 92.

...Appellant /1st Respondent in all the AS

Versus

P.Sumathi	...1st Respondent in AS No.524 of 2011
S.Delli	...1st Respondent in AS No.525 of 2011
M.S.Rajasekaran	...1st Respondent in AS No.526 of 2011
K.Hemant Kumar	...1st Respondent in AS No.527 of 2011
P.Gopalakrishnan	...1st Respondent in AS No.528 of 2011
Prasannakumar Muralidharan	...1st Respondent in AS No.529 of 2011
Shoba Parameshwaran	...1st Respondent in AS No.530 of 2011
M.Malathi	...1st Respondent in AS No.531 of 2011
A.Rajalakshmi	...1st Respondent in AS No.532 of 2011
T.Ramesh Anand	...1st Respondent in AS No.533 of 2011
C.Ekambaram	...1st Respondent in AS No.534 of 2011
R.Parvathy	...1st Respondent in AS No.535 of 2011

The Member Secretary

Chennai Metropolitan Development Authority

Egmore, Chennai 600 008. ...2nd Respondent/

2nd Respondent in all the AS

Appeal Suits filed under Section 54 of the Land Acquisition Act, against the Judgment and decree of the Additional District Court, Fast Track Court II, Poonamallee, in LAOP No.317, 318, 320, 321, 331, 334, 345, 347, 349, 350, 443, 445 of 2008 respectively, dated 31.03.2011.

For Appellant : Mr.P.Gunasekaran,
Additional Government Pleader (AS)

For Respondent-1: Mr.R.Subramanian
in all the appeals

For Respondent-2: Mr.C.Johnson
in all the appeals

COMMON JUDGMENT

(Judgment of the Court was made by V.RAMASUBRAMANIAN,J)

These appeals are filed by the Special Tahsildar, Land Acquisition, under Section 54 of the Land Acquisition Act, 1894, questioning the correctness of the awards passed by the Land Acquisition Tribunal, enhancing the quantum of compensation payable for the lands acquired.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant and Mr.R.Subramanian, learned counsel appearing for the respondents/land owners and Mr.C.Jhonson, learned counsel appearing for CMDA.

3. By a Notification dated 4.11.2004, issued under Section 4(1) of the Act, the land of an extent of about 4.06.0 Hectares or 10.03 Acres was sought to be acquired for the purpose of formation of Outer Ring Road connecting the Grand Southern Trunk Road (GST) and Grand Northern Trunk Road (GNT). After enquiry, the Land Acquisition Officer passed an award in Award No.3/2007 dated 30.10.2007 fixing the compensation payable at Rs.550/- per cent. The land owners sought references under Section 18 of the Act.

4. References were taken up in L.A.O.P.Nos. 317, 318, 320, 321, 331, 334, 346, 347, 349, 350, 443 and 445 of 2008 by the Sub-Court, Poonamallee. By a common judgment dated 31.3.2011, the Tribunal enhanced the compensation to Rs.18,000/- per cent. Therefore, the Special Tahsildar has come up with the above appeals.

5. The Land Acquisition Officer took note of the fact that about 407 sale transactions had taken place, during the period of three years preceding the date of the notification under Section 4(1) of the Act. The Land Acquisition Officer rejected as many as 197 out of those 407 transactions on the ground that they related to house sites. 58 transactions were rejected on the ground that the lands involved therein are

located more than 1.6 Kms. away. Eventually, the Land Acquisition Officer took note of the sale transaction at serial number 17 of the data sales, which indicated a rate of Rs.550/- per cent.

6. Before the Land Acquisition Tribunal, the claimants examined one person as C.W.1 and filed three documents as Exx. C-1 to C-3. Ex.C-1 was a sketch of the Outer Ring Road, for the formation of which the lands were acquired. Ex.C-2 was a sale deed Document No.2312/2003 dated 23.5.2003. Ex.C-3 was a sale deed Document bearing No.4271/2004, dated 1.11.2004. (Unfortunately, though the Tribunal has taken note of Ex.C-3, it had failed to index this document at the end of the judgment).

7. Both under Exx.C-2 and C-3, the lands covered by the documents had been sold at a rate of Rs.18,312/- per cent. Therefore, the Land Acquisition Tribunal fixed the compensation at Rs.18,000/- per cent.

8. The grievance of the appellant before us is that the total extent of land covered by Ex.C-2 sale deed was only 700 sq. ft. and that the total extent of land covered by Ex.C-3 sale deed was only 1320 sq. ft. Therefore, it is the contention of the learned Additional Government Pleader that the sale deeds relating to small extents of land cannot be taken into account.

9. In normal circumstances, what is contended by the learned Additional Government Pleader could have been accepted by us. But in the appeals on hand, the very lands acquired from the respondents were all small extents. These lands are not claimed to be agricultural lands. They were actually urban lands. The very Master Plan prepared for Chennai Metropolitan area suggested the formation of three types of Ring Roads so that an orbital movement is accorded for transportation. The lands were actually well developed and had already become house sites.

10. In order to highlight that the lands acquired from the respondents were also small extents, we give below, the extent of land acquired from each of the respondents in a tabular form.

S.No.	A.S.No.	LAOP No.	Extent
1	524/2011	317/2008	4 cents
2	525/2011	318/2008	12.35 cents
3	526/2011	320/2008	5 cents
4	527/2011	321/2008	5 cents

S.No.	A.S.No.	LAOP No.	Extent
5	528/2011	331/2008	53 cents
6	529/2011	334/2008	5 cents
7	530/2011	346/2008	5 cents
8	531/2011	347/2008	20 cents
9	532/2011	349/2008	5 cents
10	533/2011	350/2008	2.47 cents
11	534/2011	443/2008	215 cents
12	535/2011	445/2008	5 cents

11. In view of the above, the contention of the learned Additional Government Pleader that Exx.C-2 and C-3, ought not to have taken note of, cannot be accepted.

12. As stated earlier, the locational advantage of the land, had been spoken to even by P.W.1 in paragraph 10 of its judgment the Tribunal had recorded that all the lands in the area had already been developed into house sites and that even constructions have come up after obtaining necessary approval from the Chennai Metropolitan Development Authority. Therefore, the Tribunal was right in taking note of Exx.C-2 and C3 and refusing to allow any reduction.

13. In view of the above, we find no justification to interfere with the awards of the Tribunal. Therefore, the appeals are dismissed. There will be no order as to costs. The Government Pleader will be entitled to separate fees.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gr./kpl

To

1.The Additional District Sessions Court,
Fast Track Court II,
Poonamallee.

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2. The Special Tahsildar,
Outer Ring Road Project
CMDA Egmore, Chennai 8
Now Office at Koyambedu Wholesale
Market Complex,
Chennai 92.

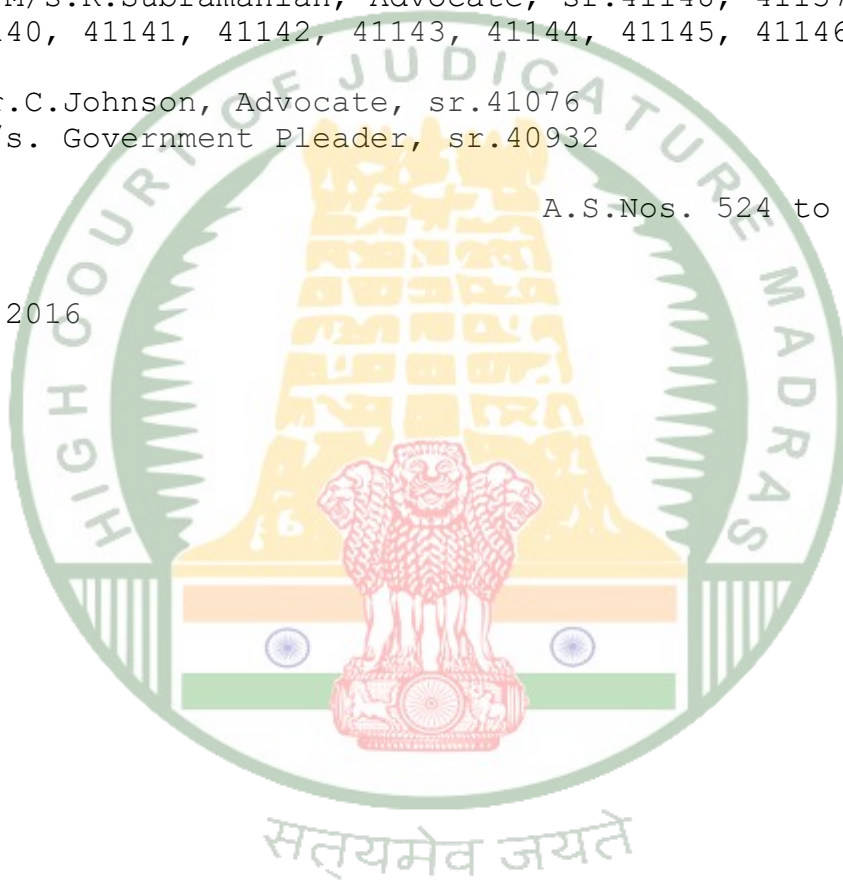
3. The Member Secretary
Chennai Metropolitan Development Authority,
Egmore, Chennai 8.

12 ccs to M/s.R.Subramanian, Advocate, sr.41148, 41137, 41138,
41139, 41140, 41141, 41142, 41143, 41144, 41145, 41146, 41147.

1 cc to Mr.C.Johnson, Advocate, sr.41076
1 cc to M/s. Government Pleader, sr.40932

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