THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM

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

A.S.Nos.603 to 728 of 2015 & all connected pending MPs

The Special Tahsildar,
(Land Acquisition) Unit 1
Aromatic Complex, MRL,
Saidapet, Chennai-600 015. ...Appellant in all AS

Vs

N.MARIAPPAN ...1ST RESPONDENT IN AS.603/15
S. BALAJI ...1ST RESPONDENT IN AS.604/15

M. NEHRU
S. JANARDHANAM ...1ST RESPONDENT IN AS.605/15

M. NEHRU
S. JANARDHANAM ...1ST RESPONDENT IN AS.606/15

V. RAJAMMAL ...1ST RESPONDENT IN AS.607/15
R. PARANJOTHI ...1ST RESPONDENT IN AS.608/15
CHINNAPILLAI AMMAL ...1ST RESPONDENT IN AS.609/15
K. THULUKKANAM ...1ST RESPONDENT IN AS.610/15
R. MUTHURANI ...1ST RESPONDENT IN AS.611/15
MURUGAMMAL ...1ST RESPONDENT IN AS.612/15
S. BALAKRISHNAN ...1ST RESPONDENT IN AS.613/15
A. SHANMUGA GANI ...1ST RESPONDENT IN AS.614/15
N. SAMARAPURI ...1ST RESPONDENT IN AS.615/15
D. MURUGESAN ...1ST RESPONDENT IN AS.616/15
P. GOVINDAN ...1ST RESPONDENT IN AS.617/15
B. N. PURUSOTHAMAN ...1ST RESPONDENT IN AS.618/15
M. RAMAN ...1ST RESPONDENT IN AS.619/15
M. MANI ...1ST RESPONDENT IN AS.620/15
D. DAYALAN ...1ST RESPONDENT IN AS.621/15
K. SELVI ...1ST RESPONDENT IN AS.622/15
K. DAYALAN ...1ST RESPONDENT IN AS.623/15
GOPAL PILLAI ...1ST RESPONDENT IN AS.624/15
N. KOTHANDAPANI ...1ST RESPONDENT IN AS.625/15
M.N. MARIAPPAN ...1ST RESPONDENT IN AS.626/15

MURUGESAN
MUTHU ...1ST RESPONDENT IN AS.627/15

1 SANTHANA KRISHNAN
2 PARTHASARATHY
3 NIRMALA DEVI
4 VADIVAMBAL
5 GUNASUNDARI
6 INDIRA ...1ST RESPONDENT IN AS.628/15

1 LAKSHMI AMMAL
2 NIRMALA DEVI
3 SANTHANA KRISHNAN
4 GUNASUNDARI
5 PARTHASARATHI
6 INDIRA @ INDIRAGANDHI ...1ST RESPONDENT IN AS.629/15

1 SANTHANA KRISHNAN
2 PARTHASARATHI
3 NIRMALA DEVI
4 VADIVAMBAL
5 GUNASUNDARI
6 INDIRA @ INDIRAGANDHI ...1ST RESPONDENT IN AS.630/15

K.N. GOVARDHA PILLAI (DECEASED
1 NIRMAL DEVI
2 VADIVAMBAL
3 G. SANTHANAKRISHNAN
4 GUNASUNDARI
5 G. PARTHASARATHY
6 INDIRA @ INDIRAGANDHI ...1ST RESPONDENT IN AS.631/15

DHANALAKSHMI ...1ST RESPONDENT IN AS.632/15

K.N.GOVARDHA PILLAI (DIED)
1. NIMALA DEVI
2 VADIVAMBAL
3 SANTHANAKRISHNAN
4 GUNASUNDARI
5 PARATHASARATHY
6 INDIRA @ INDIRAGANDHI ...1ST RESPONDENT IN AS.633/15

G. RANGANATHAN ...1ST RESPONDENT IN AS.634/15
P. PREMALATHA ...1ST RESPONDENT IN AS.635/15
T. SUSILA ...1ST RESPONDENT IN AS.636/15
D. GOPI ...1ST RESPONDENT IN AS.637/15
SELLAM ...1ST RESPONDENT IN AS.638/15
D. SASIREKHA ...1ST RESPONDENT IN AS.639/15
M. PANNERSELVAM ...1ST RESPONDENT IN AS.640/15

V. AMUTHA	...1ST RESPONDENT IN AS.641/15
B. GOVINDARAJAN	...1ST RESPONDENT IN AS.642/15
DEIVASIGAMANI	...1ST RESPONDENT IN AS.643/15
MALINI	...1ST RESPONDENT IN AS.644/15
G. PURUSOTHAMAN	...1ST RESPONDENT IN AS.645/15
M. SAMARAPURI	...1ST RESPONDENT IN AS.646/15
R. SARAVANAN	
R. SIVANANDAM	...1ST RESPONDENT IN AS.647/15
RAJAMBAL	...1ST RESPONDENT IN AS.648/15
DURAI	...1ST RESPONDENT IN AS.649/15
B. RAJAMANICKAM	...1ST RESPONDENT IN AS.650/15
K. DEVIKARANI	...1ST RESPONDENT IN AS.651/15
B. RAMAKRISHNAN	...1ST RESPONDENT IN AS.652/15
S.R. JAYASEELA	...1ST RESPONDENT IN AS.653/15
R. NEELA	...1ST RESPONDENT IN AS.654/15
C.P. MOHAN	...1ST RESPONDENT IN AS.655/15
J. DURAI	...1ST RESPONDENT IN AS.656/15
R. LOGANATHAN	...1ST RESPONDENT IN AS.657/15
A. JEYAKUMAR	...1ST RESPONDENT IN AS.658/15
M. RAMACHANDRAN	...1ST RESPONDENT IN AS.659/15
A. NAGAPPAN	...1ST RESPONDENT IN AS.660/15
B.V. SUKUMAR	...1ST RESPONDENT IN AS.661/15
V. PERUMAL	...1ST RESPONDENT IN AS.662/15
R. DIVAKARAN	...1ST RESPONDENT IN AS.663/15
N.V. HARIHARAN	...1ST RESPONDENT IN AS.664/15
D. SAVITHIRI	...1ST RESPONDENT IN AS.665/15
MAHESWARI	...1ST RESPONDENT IN AS.666/15
JAMUNA	...1ST RESPONDENT IN AS.667/15
V.P. KUMAR	...1ST RESPONDENT IN AS.668/15
K. KALYANI	...1ST RESPONDENT IN AS.669/15
S. KARUPPASWAMY	...1ST RESPONDENT IN AS.670/15
RAJALAKSHMI	...1ST RESPONDENT IN AS.671/15
V. SHANTHI	...1ST RESPONDENT IN AS.672/15
J. PETER	...1ST RESPONDENT IN AS.673/15
THANGAMANIAMMA	...1ST RESPONDENT IN AS.674/15
G. UMAVATHY	...1ST RESPONDENT IN AS.675/15
R. KUSALAKUMARI	...1ST RESPONDENT IN AS.676/15
G. CHANDRASEKARAN	...1ST RESPONDENT IN AS.677/15
N. VASUDEVAN	...1ST RESPONDENT IN AS.678/15
J. MUTHURAJAN	...1ST RESPONDENT IN AS.679/15
P. LALITHA	...1ST RESPONDENT IN AS.680/15
MAINAVATHI	...1ST RESPONDENT IN AS.681/15
R. YASODHA	...1ST RESPONDENT IN AS.682/15
CHANDIRAN	...1ST RESPONDENT IN AS.683/15
D. VINNARASU	...1ST RESPONDENT IN AS.684/15
MURTHY	...1ST RESPONDENT IN AS.685/15
A. SANKAR	...1ST RESPONDENT IN AS.686/15
K.V. SRINIVASAN	...1ST RESPONDENT IN AS.687/15
S. MOHANA	...1ST RESPONDENT IN AS.688/15

PARIMALA	...1ST RESPONDENT IN AS.689/15
R. GURUNATHAN	...1ST RESPONDENT IN AS.690/15
NALINI	...1ST RESPONDENT IN AS.691/15
GOPAL	...1ST RESPONDENT IN AS.692/15
M.D. GANESH	...1ST RESPONDENT IN AS.693/15
K.S. PADMANABHAN	...1ST RESPONDENT IN AS.694/15
V.E. SAMPATHKUMAR	...1ST RESPONDENT IN AS.695/15
JOHNBASCO	...1ST RESPONDENT IN AS.696/15
N. YUVARAJ	...1ST RESPONDENT IN AS.697/15
V. BALU	...1ST RESPONDENT IN AS.698/15
ROSEMERRY	...1ST RESPONDENT IN AS.699/15
R. AZAHAGER	...1ST RESPONDENT IN AS.700/15
E. SEKARAN	...1ST RESPONDENT IN AS.701/15
G. BHARATHI	...1ST RESPONDENT IN AS.702/15
N. BASKARAN	...1ST RESPONDENT IN AS.703/15
V. SARADHA	...1ST RESPONDENT IN AS.704/15
VASUDEVAN	...1ST RESPONDENT IN AS.705/15
M. ELUMALAI	...1ST RESPONDENT IN AS.706/15
KALIAPPAN	...1ST RESPONDENT IN AS.707/15
S. KALIAPPAN	...1ST RESPONDENT IN AS.708/15
S. KALIAPPAN	...1ST RESPONDENT IN AS.709/15
S. KALIAPPAN	...1ST RESPONDENT IN AS.710/15
DHANALAKSHMI	...1ST RESPONDENT IN AS.711/15
ELUMALAI	...1ST RESPONDENT IN AS.712/15
MAHENDIRAN	...1ST RESPONDENT IN AS.713/15
A. MUNUSAMY	...1ST RESPONDENT IN AS.714/15
MARIAPPAN	...1ST RESPONDENT IN AS.715/15
K. GOINDARAJULU	...1ST RESPONDENT IN AS.716/15
K. LOGANATHAN	...1ST RESPONDENT IN AS.717/15
SURENDRANATH	...1ST RESPONDENT IN AS.718/15
R. VINAYAGAM	...1ST RESPONDENT IN AS.719/15
M. KAJA	...1ST RESPONDENT IN AS.720/15
M. MOHAIDEEN	...1ST RESPONDENT IN AS.721/15
J. DAMODHARAN	...1ST RESPONDENT IN AS.722/15
T. RAJESWARI	...1ST RESPONDENT IN AS.723/15
D. GOPALAKRISHNAN	...1ST RESPONDENT IN AS.724/15
M. KIRISHNAIYA CHETTI	...1ST RESPONDENT IN AS.725/15
IRUDAYARAJ	...1ST RESPONDENT IN AS.726/15
C. VENKATASALU	...1ST RESPONDENT IN AS.727/15
D. SIVAGAMI	...1ST RESPONDENT IN AS.728/15

2.The Advisor, Arochem
No.98, Mount Road,
Guindy, Chennai -32.

...2ND Respondent IN A.S.603, 604, 607 TO 626/15, 632, 634 TO 646/15, 648 TO 728/15
....3RD RESPONDENT IN A.S.605, 606, 627 & 647/2015
7TH RESPONDENT IN A.S.628 TO 631/15 & 633/15

APPEALS under Section 54 of the Land Acquisition Act, 1894 against the common Judgment and decree dated 28.10.2014 made in LAOP.Nos.150/98, 114/98, 121/98, , 122/98, , 123/98, , 148/98, 151/98, , 153/98, 156/98, 349/98, 353/98, 354/98, 383/98, 386/98, 388/98, 390/98, 109/98, 392/98, 395/98, 396/98, 397/98, 503/98, 507/98, 680/98, 684/98, 685/98, 703/98, 704/98, 705/98, 706/98, 714/98, 716/98, 721/98, 722/98, 723/98, 754/98, 758/98, 769/98, 900/98, 901/98, 980/98, 982/98, 983/98, 984/98, 986/98, 987/98, 988/98, 991/98, 993/98, 994/98, 995/98, 996/98, 999/98, 1001,/98, 1002/98, 1003/98, 1004/98, 1005/98, 1006/98, 1007/98, 1008/98, 1009/98, 1012/98, 1013/98, 1019/98, 1020/98, 1022/98, 1024/98, 1025/98, 1026/98, 1027/98, 1042/98, 1044/98, 1046/98, 1047/98, 1048/98, 1156/98, 1266/98, 1267/98, 1269/98, , 1271/98, 1272/98, 1273/98, 1275/98, 1277/98, 1278 /98, 1281/98, 1282/98, 1366/98, 1367/98, 1368/98, 1369/98, 1372/98, 1373/98, 1379/98, 1380/98, 1381/98, 1355/98, 1383/98, 1386/98, 1382/98, 1408/98, 1431/98, 1432/98, 1433/98, 1435/98, 1436/98, 1437/98, 1739/of 1998, 27/ 2002, 40/2000, 45/2000, 50/2000, 54/2002, 58/ 2002, 60/2000, 67/2000, 384/2010, 386/ 2010, 1283/98, 1358/98, 1361/98, 1362/98, , 1374/98, 1377/98, 1378/98 respectively on the file of the Subordinate Judge, Ponneri.

For Appellant : Mr.P.Gunasekaran, AGP(AS)

For Claimants : Mr.K.Venkatasubbaraju
For Requisitioning Body : Mr.R.Senthil Kumar

COMMON JUDGMENT

(Delivered by V.Ramasubramanian,J.)

All these 126 appeals are filed by the Special Tahsildar (Land Acquisition), under Section 54 of the Land Acquisition Act, 1894, challenging the enhancement of compensation granted by the Sub Court, Ponneri, in a batch of references under Section 18.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant, Mr.K.Venkatasubbaraju, learned counsel appearing for the claimants and Mr.R.Senthil Kumar, learned counsel for the Requisitioning Body.

3. By G.O.Ms.No.648 Industries dated 16.9.1989, the Government granted administrative sanction for the acquisition of patta lands in six villages namely Mathur, Kosappur, Amullavoyal, Vaikkadu, Elanthanchery and Manali, formerly of Chengalput District (presently of Kancheepuram district) for setting up of an aromatic complex and other petro based down stream projects.

4. In so far as the village of Mathur is concerned, the Official Committee identified patta lands of the extent of 187.14 acres for the aforesaid purpose. The entire land of about 187.14 acres was split up into 17 blocks for the purpose of convenience and Notifications under Section 4(1) of the Land Acquisition Act were issued on various dates such as 2.10.1990, 3.10.1990, 23.11.1990, 5.12.1990, 9.12.1990, 11.12.1990, 15.12.1990, 17.12.1990, 18.12.1990 and 19.12.1990. However, errors were noticed in those Notifications and hence, amendments were issued on various dates. Subsequently, errata to amendment was also published on various dates ranging from 8.4.1992 to 9.12.1992.

5. The Land Acquisition Officer passed separate awards bearing Nos.1/ 93 to 9/93, 1/94, 10/94 and 11/94 on various dates. Under some awards, the Land Acquisition Officer took note of 383 sale transactions that had taken place during the period from 16.10.1989 to 15.10.1990. Under a few awards, he took note of 286 sale transactions that had taken place during the period from 22.12.1989 to 21.12.1990. Under a few awards, he took note of 278 transactions that had taken place from 2.1.1990 to 1.1.1991. In some awards, he took note of 303 transactions that had taken place from 6.12.1989 to 15.12.1990.

6. Eventually, the Land Acquisition Officer arrived at the market value at Rs.200/- per cent, on the basis of the transactions at certain serial numbers found among the data sales. Though different transactions were taken into account under different awards, the market value was uniformly arrived at as Rs.200/- per cent under all the awards.

7. For the purpose of easy appreciation, we are presenting below in a tabular column, the award numbers and date, the date of Notification first issued under Section 4(1) along with the date of issue of errata, the number of date sales taken into account and the period relating thereto and the serial number of the sale transaction, on the basis of which, the market value was arrived at and the market value :

S No	Award No. & Date	Date of first 4(1) Notification and date of errata	No.of data sales and the period	Sl.No.of particular sale deed & its market value	Village Name
1	2/93 21.4.1993	2.10.1990 14.10.1992	383 16.10.1989 to 15.10.1990	146 & Rs.200/- per cent	Mathur

S No	Award No. & Date	Date of first 4(1) Notification and date of errata	No.of data sales and the period	Sl.No.of particular sale deed & its market value	Village Name
2	3/93 18.5.1993	3.10.1990 6.5.1992	383 16.10.1989 to 15.10.1990	146 & Rs.200/- per cent	Mathur
3	1/93 9.6.1993	19.12.1990 29.7.1992	286 22.12.1989 to 21.12.1990	21 & Rs.200/- per cent	Mathur
4	4/93 18.6.1993	15.12.1990 9.12.1992	278 2.1.1990 to 1.1.1991	10 & Rs.200/- per cent	Mathur
5	2/93 23.6.1993	18.12.1990 29.7.1992	286 22.12.1989 to 21.12.1990	21 & Rs.200/- per cent	Mathur
6	3/93 7.7.1993	18.12.1990 8.4.1992	286 22.12.1989 to 21.12.1990	21 & Rs.200/- per cent	Mathur
7	4/93 14.7.1993	9.12.1990 22.7.1992	286 22.12.1989 to 21.12.1990	21 Rs.200/- per cent	Mathur
8	5/1993 30.7.1993	11.12.1990 29.7.1992	286 22.12.1989 to 21.12.1990	21 Rs.200/- per cent	Mathur
9	6/1993 23.8.1993	11.12.1990 29.7.1992	286 22.12.1989 to 21.12.1990	21 Rs.200/- per cent	Mathur
10	7/1993 .10.1993	15.12.1990 9.12.1992	278 2.1.1990 to 1.1.1991	10 Rs.200/- per cent	Mathur
11	9/1993 10.11.1993	17.12.1990 24.6.1992	286 22.12.1989 to 21.12.1990	21 Rs.200/- per cent	Mathur
12	1/1994 .3.1994	23.11.1990 29.4.1992	303 6.12.1989 to 5.12.1990	45 Rs.200/- per cent	Mathur
13	10/1994 24.8.1994	5.12.1990 6.5.1992	278 2.1.1990 to 1.1.1991	10 Rs.200/- per cent	Mathur

S No	Award No. & Date	Date of first 4(1) Notification and date of errata	No.of data sales and the period	Sl.No.of particular sale deed & its market value	Villag e Name
14	11/94 26.8.1994	18.12.1990 8.4.1992	286 22.12.1989 to 21.12.1990	21 Rs.200/- per cent	Mathur

8. The land owners sought references and those references made under Section 18 were taken on file by the Subordinate Court, Ponneri in a batch of 126 original petitions, with the lead case bearing LAOP.No.150 of 1998. By a common judgment and decree dated 28.10.2014, the Subordinate Court enhanced the compensation at Rs.6,540/- per cent. Aggrieved by the same, the Referring Officer is before us.

9. The Land Acquisition Officer took note of the fact that the sale transactions numbering 383/286/278/303, as the case may be, had taken place during the relevant periods. Most of those sale transactions were discarded, on the ground that they related to the sale of plots or village sites or dry assessed waste or poramboke. Eventually, on the basis of the sale transactions at serial Nos.146/21/10/45, as the case may be, the Land Acquisition Officer fixed the compensation at Rs.200/- per cent.

10. Before the Subordinate Court, the claimant in one of the petitions was examined as C.W.1 and he marked Exx.C.1 to C.6. Ex.C.1 is a Lease cum Sale Agreement executed by the Senior Estate Officer in favour of Sri.Balakrishan and Company for Rs.550/- per sq.m. Ex.C.2 is a Notification issued by Chennai Metropolitan Development Authority dated 21.11.2010 offering to sell the plots for Rs.7,231/- per sq.m., at Sathankaadu Village, which is very nearby to the acquired lands. Ex.C.3 is a copy of sale deed dated 15.11.1990, Ex.C.4 is a copy of G.O.Ms.No.110 Industries Department, dated 11.9.2009 and Exx.C.5 and C.6 are Newspaper cuttings. The Special Tahsildar was examined as R.W.1. No document has been filed on behalf of him.

11. The Subordinate Court, Ponneri, without a detailed discussion, held that the adoption of Rs.200/- per cent by the Land Acquisition Officer was erroneous. On the basis of Ex.C.3, the Sub-Court held that the actual market value could be Rs.8,720/- per cent and that after 25% deduction towards basic amenities, the market value could be fairly fixed at Rs.6,540/- per cent. It is against the said enhancement, the Land Acquisition Officer has come up with the above appeals.

12. Assailing the judgment and decree of the Sub-Court, it is contended by the learned Additional Government Pleader that they are completely bereft of any reasoning. According to the learned Additional Government Pleader, the Court below failed to follow the mandate of law, as contained in Sections 23 and 24 of the Act.

13. The above contentions of the learned Additional Government Pleader cannot be rejected outright as unacceptable. The Sub-Court had simply reproduced certain portions of the decisions cited before it and abruptly came to a conclusion that the market value could be fixed at Rs.6,540/- per cent. Therefore, we are now constrained to independently go into the question with reference to the evidence produced before the Sub Court.

14. At the outset, we have to point out that the Land Acquisition Officer was completely in error in rejecting most of the sale transactions out of the entire data sales of 383/286/278/303 transactions, as the case may be, on the ground that they related to house site plots or village sites or dry assessed waste or poramboke. The second paragraph of the judgment of the Sub-Court would show that the extent of lands owned by most of the 126 claimants is only about 0.01.0 ares (about 2 1/2 cents) to about 0.05.0 ares (10 cents). Therefore, in an area, which has already developed into a town especially an industrial town known as Manali Town, these small extents of land, could be used only as house sites. Once this is clear, it follows as a corollary that the Land Acquisition Officer was completely in error in rejecting most of the data sales on the sole ground that they related to house sites.

15. The question as to whether the sale transactions relating to lands of smaller extent can be taken into account or not became a vexed question that comes up again and again before Courts. In Land Acquisition Officer Vs. Sreelatha Bhoopal [(1997) 9 SCC 628], the Supreme Court held that while determining the market value of large extent of land, it is improper to place reliance upon sale deeds relating to small pieces of land. Even in The Executive Officer v. Chandra Bisori [2000 (2) CTC 555], it was held that the adoption of the sale value of small pieces of land was impermissible.

16. However, in Trishalal Jain v. State of Uttaranchal [(2011) 6 SCC 47], the Supreme Court held that the value indicated in the sale deeds relating to small pieces of land can also be taken into consideration for determining the value of a large tract of land. However, the said opinion was coupled with a rider that while taking such transactions into account, the Court has to make a reasonable deduction keeping in view the other attendant circumstances. The view taken in Trishalal Jain was also followed in Mehrawal Khewaji Trust v. State of Punjab [2012 4 LW 109].

17. But, in the case on hand, the land was located in an area that had already developed into a Township. The village was part of

a taluk that was in the peripheries of the city of Chennai. More than 50% of the data sales related to house sites. Therefore, the appellant cannot avoid the adoption of the same value.

18. As stated earlier, the claimants produced a sale deed as Ex.C.3 dated 15.11.1990, which is subsequent to the date of issue of the first Notification under Section 4(1). But the first Notification was amended later and an errata was issued only in the year 1992. The market value of land, as reflected in Ex.C.3, is Rs.8,720/- per cent. Therefore, the Court below was right in adopting the value of Rs.8,720/- per cent. Thereafter, following the dicta laid down in Trishalal Jain, the Sub-Court deducted 25% towards development charges and fixed the compensation at Rs.6,540/- per cent.

19. Therefore, even on an independent appraisal of the oral and documentary evidence let in before the Sub-Court, we come to the same conclusion that the market value of the land could be reasonably fixed at Rs.6,540/- per cent. Hence, we find no error of law or fact in the judgment and decree of the Court below. Therefore, these appeals are dismissed. No costs. Consequently, connected M.Ps. are also dismissed.

20. The Additional Government Pleader is entitled to separate fees in respect of each of these appeals.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

GR/RS

To

1. The Subordinate Court,
Ponneri.

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

1 cc to Government Pleader, Sr. 56633
1 cc to Mr.K. Venkatasubba Raja, Advocate, Sr. 56684

A.S.Nos.603 to 728 of 2015

KJI (CO)
kk 24/6