

In the High Court of Judicature at Madras

Dated : 29.10.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN
and
The Honourable Mr.Justice T.MATHIVANAN

Appeal Nos.751 to 817 of 2015 & all connected pending Mps.

The Speical Tahsildar
(Land Acquisition)
Madras Refineries Limited
Aromatic Complex,
Saidapet, Chennai-600015...

Appellant in all the Ass/
Referring Officer

Vs

1 Palayam .. 1st Respondent in AS 751/2015/
Claimant.

2 The Managing Director
TIDCO, Egmore,
Chennai- 8. .. 2nd Respondent in AS 751/2015/
Beneficiary
756, 758, 759, 760, 765 to 771, 776
to 782/2015 3rd Respondent in
AS.772/2015.

1 Krishnaveni

2 Ramanji .. 1st and 2nd Respondents in AS.752/15

Mala .. 1st Respondent in AS.753/2015

Kala .. 1st Respondent in AS.754/2015

Subramani .. 1st Respondent in AS.755/2015

Kannappan .. 1st Respondent in AS.756/2015

K.Balakrishnan .. 1st Respondent in AS.757/2015

Arumugam .. 1st Respondent in AS.758/2015

Paranthaman .. 1st Respondent in AS.759/2015

Kannappan .. 1st Respondent in AS.760/2015

Maravarman .. 1st Respondent in AS.761/2015

1 Aruldoss

2 Manjula

3 Rajasekaran

4 Ruthrani

5 Babyrani .. Respondents 1 to 5 in AS 762/2015

Subbiah .. 1st Respondent in A.S.763 of 2015

Arumugam .. 1st Respondent in A.S.764 of 2015

Chellammal .. 1st Respondent in A.S.765 of 2015

Ramalingam .. 1st Respondent in A.S.766 of 2015

Sundaram .. 1st Respondent in A.S.767 of 2015

Rajammal .. 1st Respondent in A.S.768 of 2015

Sabapathy .. 1st Respondent in A.S.769 of 2015

Devendran .. 1st Respondent in A.S.770 of 2015

1 Gopal

2 Arumugam .. 1st & 2nd Respdts in A.S.772 of 2015

Anjana Devi .. 1st Respondent in A.S.773 of 2015

Surabhi Sarojini .. 1st Respondent in A.S.774 of 2015

Siluvai Amirtham .. 1st Respondent in A.S.775 of 2015

Ellappa Naicker .. 1st Respondent in A.S.776 of 2015

Ponnammal .. 1st Respondent in A.S.777 of 2015

Gnanasoundari .. 1st Respondent in A.S.778 of 2015

Rajendran .. 1st Respondent in A.S.779 of 2015

Parvathaveni Chittammal .. 1st Respondent in A.S.780 of 2015

Krishnaveni .. 1st Respondent in A.S.781 of 2015

Krishnaveni .. 1st Respondent in A.S.782 of 2015

1 Ambal
2 Saroja
3 Rajeswari
4 Padamanabha Pillai
5 Perumalsami (Died)
6 Vijayalakshmi
7 Selvam
8 Muthukumar
9 Sridevi .. 1st to 9th Respondents in A.S.783/2015

Chellammal .. 1st Respondent in A.S.784 of 2015

Desappan .. 1st Respondent in A.S.785 of 2015

B.Sugumaran .. 1st Respondent in A.S.786 of 2015

V.Munusamy .. 1st Respondent in A.S.787 of 2015

Ramaiah (Died)
1 Meenakshi
2 Varalakshmi
3 Vijayakumar
4 Balaji
5 Sambaiah .. 1st to 5th Respdts in A.S.788/2015

P.Ganesah .. 1st Respondent in A.S.789 of 2015

S.A.Gopalakrishnan .. 1st Respondent in A.S.790 of 2015

Parameswari .. 1st Respondent in A.S.791 of 2015

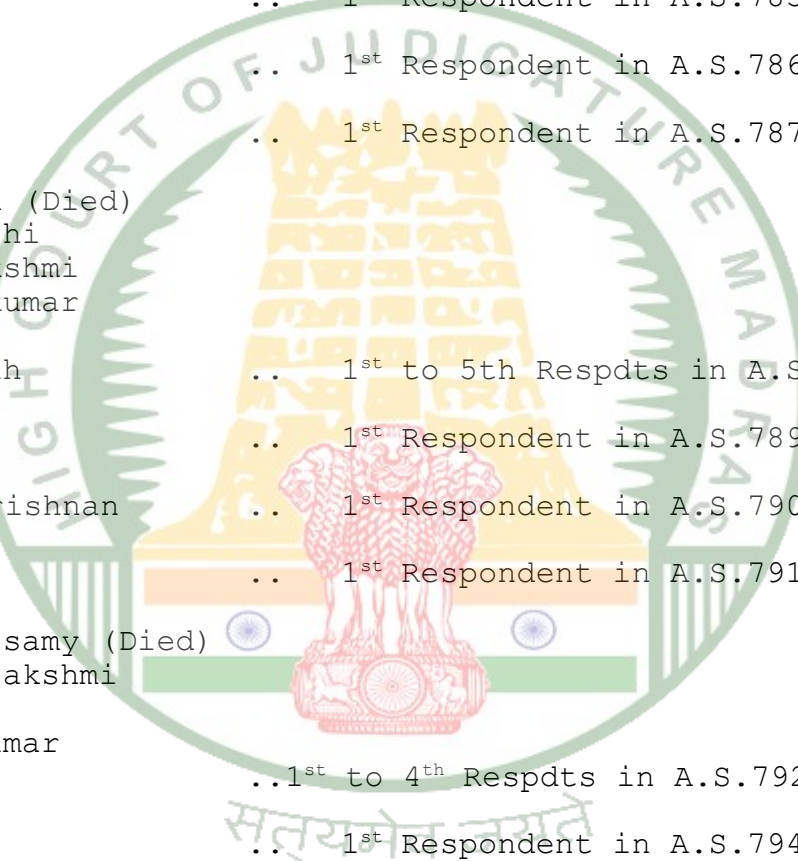
Perumalsamy (Died)
1 Vijayalakshmi
2 Selvam
3 Muthukumar
4 Sridevi .. 1st to 4th Respdts in A.S.792 and 793/15

R.V.Shankar .. 1st Respondent in A.S.794 of 2015

P.Pandian .. 1st Respondent in A.S.795 of 2015

1 Eswari
2 Anusuya .. 1st & 2nd Respt in A.S.796 of 2015.

1 Soundari
2 Justin
3 Kalairasi
4 Jeyakodi .. 1st & 2nd Respdts in A.S.798 of 2015.



WEB COPY

Meiyalagan .. 1st Respondent in A.S.799 of 2015

Usharani .. 1st Respondent in A.S.800 of 2015

Pushpalatha .. 1st Respondent in A.S.801 of 2015

Meeradevi .. 1st Respondent in A.S.802 of 2015

Lisil Raji .. 1st Respondent in A.S.803 of 2015

Kasthuri .. 1st Respondent in A.S.804 of 2015

Kalyani .. 1st Respondent in A.S.805 of 2015

Sadananthan .. 1st Respondent in A.S.806 of 2015

N.Jaisingh .. 1st Respondent in A.S.807 of 2015

Balasubramanian .. 1st Respondent in A.S.808 of 2015

Hariharan .. 1st Respondent in A.S.809 of 2015

Munusamy .. 1st Respondent in A.S.810 of 2015

Natesa Naicker .. 1st Respondent in A.S.811 of 2015

Azhagan .. 1st Respondent in A.S.812 of 2015

Udaiyammal .. 1st Respondent in A.S.813 of 2015

Kasi .. 1st Respondent in A.S.814 of 2015

1 Arumugam

2 Kamala

3 Elumalai

4 Kasi .. 1st to 4th Respdts in AS 815/15

Kamala .. 1st Respondent in A.S.816/15

Sagadevan .. 1st Respondent in A.S.817/15.

Raj Lubricants rep. by
Proprietor
Andalkuppam to Red Hills Road,
Chennai-8. .. 2nd Respondent in A.S.761 of 2015

The Company Secretary,
MRL (CPCL) Chennai. .. 2nd Respdts in A.S.753, 754, 755, 757
763, 764, 773, 774, 775, 784, 785,
786, 787, 789, 790, 791, 794, 795,
799, 800, 801, 802, 803, 804, 805,

806, 807, 808 to 814, 816, 817/2015

10th Respdt in A.S.783/2015

3rd Respdt in A.S.752, 796 798/2015

6th Respdt in A.S.762, 788/2015

5th Respt in AS.792, 793, 797,815/15

For Appellant in
all the appeals

: Mr.P.Gunasekaran, AGP

For Claimants in all
the appeals

: Mr.K.Venkatasubbaraju

For TIDCO

: Mr.N.A.K.Sharma

For MRL (now CPCL)

: Mr.R.Senthilkumar

PRAYER:

Appeals filed under Section 54 of Land Acquisition Act against the Judgment and decree dated 20.3.2015 made in LAOP.Nos.868/1998, 132/98, 177/1998, 186/98, 188/98, 206/98, 217/98, 227/98, 232/98, 241/98, 250/98, 312/98, 409/98, 441/98, 490/98, 552/98, 576/98, 591/98, 592/98, 600/98, 625/98, 647/98, 837/98, 838/98, 840/98, 843/98, 845/98, 850/98, 853/98, 865/98, 866/98, 867/98, 871/98, 891/98, 935/98, 974/98, 1129/98, 1136/98, 1305/98, 1480/98, 1557/98, 1623/98, 1717/98, 1791/98, 1721/98, 52/99, 48/2010, 49/2010, 52/2010, 383/2010, 25/2012, 26/2012, 27/2012, 35/2014, 38/2014, 40/2014, 41/2014, 42/2014, 43/2014, 44/2014, 45/2014, 46/2014, 92/2002, 93/2002, 95/2002, 97/2002, 49/2014 on the file of the Sub Court Ponneri.

COMMON JUDGMENT

(Judgment was delivered by V.RAMASUBRAMANIAN,J)

These appeals arise out of the enhancement of compensation awarded by the Land Acquisition Tribunal. The appeals are filed by the Special Tahsildar under Section 54 of the Land Acquisition Act, 1894.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader for the appellant, Mr.K.Venkatasubbaraju, learned counsel appearing for the claimants, Mr.N.A.K.Sharma, learned counsel appearing for the Tamil Nadu Industrial Development Corporation and Mr.R.Senthilkumar, learned counsel appearing for the Madras Refineries Limited.

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 Amullavoyal is concerned, the Official Committee identified patta lands of an extent of 197.73 acres. All these lands were split into ten convenient blocks for the purpose of acquisition. In so far as the village of Manali (Vaikkadu) is concerned, the Official Committee identified patta lands of an extent of 260.57 acres of wet and 12.15 acres of dry lands. Out of them, certain lands were exempted from acquisition and the balance land of the extent of 206.09 acres was divided into 14 convenient blocks.

5. Notifications under Section 4(1) of the Act were issued on various dates during the period from September 1990 to April 1993. Award enquiries were conducted and a batch of about 20 awards bearing Nos. 1/93 to 8/93, 13/93, 14/93, 1/94, 4/94, 6/94 and 7/94 were passed on various dates. Under some awards, the Land Acquisition Officer took note of 60 sales that had taken place during the period from 23.8.1989 to 27.11.1990. Under a few awards, he took note of 24 sale transactions that had taken place during the period from 13.9.1989 to 17.10.1990. Under one award, the Land Acquisition Officer took note of 207 sale transactions that had taken place during the period from 28.11.1989 to 27.11.1990. Under a few awards, he took note of 22 sale transactions that had taken place during the period from 3.10.1989 to 2.10.1990.

6. Eventually, the Land Acquisition Officer arrived at the market value as Rs.250/- per cent while considering 60 sale transactions, Rs.200/- per cent while considering 24 and 22 sale transactions, Rs.297/- per cent while considering 207 sale transactions.

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 data 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 values :

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	1/93 6.1.1993	26.9.1990 14.11.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
2	2/93 20.1.1993	12.9.1990 31.10.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
3	3/93 9.2.1993	14.11.1990 20.11.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
4	4/93 30.4.1993	12.9.1990 31.10.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
5	1/93 12.5.1993	22.8.1990 23.12.1992	24 13.9.1989 to 17.10.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
6	2/93 19.5.1993	10.10.1990 17.2.1993	24 13.9.1989 to 17.10.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
7	5/93 25.5.1993	28.11.1990 31.1.1991	207 28.11.1989 to 27.11.1990	177 & Rs.297/- per cent	Amullavoyal
8	6/93 31.5.1993	28.11.1990 31.1.1991	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
9.	3/93 16.6.1993	14.11.1990 29.11.1990	24 13.9.1989 to 3.9.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
10.	7/93 21.6.1993	14.11.1990 20.11.1990	-	- Rs.250/- per cent	Amullavoyal

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
11.	5/93 5.7.1993	14.11.1990 28.8.1991	24 13.9.1989 to 3.9.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
12.	8/93 10.8.1993	10.10.1990 23.12.1992	24 29.8.1989 to 29.11.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
13.	8/93 10.11.1993	14.11.1990 26.12.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
14.	13/93 22.11.1993	22.8.1990 24.10.1990	24 13.9.1989 to 3.9.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
15.	14/93 15.12.1993	14.11.1990 11.11.1990	24 13.9.1989 to 3.9.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
16.	1/94 19.1.1994	14.11.1990 29.11.1990	24 13.9.1989 to 3.9.1990	11 & Rs.200/- per cent	Manali (Vaikkadu)
17.	1/94 15.2.1994	14.11.1990 26.12.1990	60 23.8.1989 to 27.11.1990	54 & Rs.250/- per cent	Amullavoyal
18.	6/94 10.5.1994	26.9.1990 7.4.1993	22 3.10.1989 to 2.10.1990	9 & Rs.200/- per cent	Vaikkadu
19.	7/94 24.6.1994	12.9.1990 19.9.1990	22 16.9.1989 to 17.10.1990	9 & Rs.200/- per cent	Vaikkadu
20.	4/94 29.7.1994	14.11.1990 23.12.1992	- 29.8.1989 to 29.11.1990	-	-

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 67 original petitions, with the lead case bearing LAOP.No.868 of 1998. By a common judgment and decrees dated 20.3.2015, the Sub-Court enhanced the compensation to Rs.4,500/- per cent. Aggrieved by such enhancement, the Special Tahsildar has come up with the above appeals.

9. The Land Acquisition Officer took note of the fact that the sale transactions numbering 60/24/207/22, as the case may be, had taken place during the relevant periods. Most of the sale transactions were discarded on the ground that they related to unapproved house site plots of meagre extent or natham porambake or dry land or vacant land or combined with wet and dry land or approved plot with a building or wet land with velikathan bushes or village site or sale of exorbitant and fancy price or approved layouts or wet land or unapproved house site plots with huts. Ultimately, on the basis of the sale transactions at Sl.Nos.54/11/177/9, as the case may be, the Land Acquisition Officer fixed the compensation at Rs.250/- under 9 awards, Rs.200/- per cent under 10 awards and Rs.297/- per cent under one award.

10. Before the Sub-Court, the land owners examined one of them as C.W.1 and marked six documents as Exx.C.1 to C.6. The Special Tahsildar was examined as R.W.1, but no documents were filed.

11. The Subordinate Court, Ponneri, without taking any pain to analyse the oral and documentary evidence, enhanced the compensation to Rs.4,500/- per cent, presumably due to the fact that for the lands acquired for the very same aromatic complex, the Subordinate Court had already fixed the said amount as compensation. Therefore, the Referring Officer is on appeal before us.

12. It is seen from the oral and documentary evidence produced before the Court below that the acquired lands are situate on the eastern side of Thiruvotriyur High Road and on the northern side of M.M.R.D. Outer Ring Road. The Chennai Refinery, Petrochemicals and the Municipal Offices of Manali and Puzhal are located very near to the acquired lands. There are lot of colleges, industries, schools and fully developed residential colonies in the area. Under Ex.C.1, a land of similar nature in the same locality had been leased out at the rate of Rs.550/- per sq.m. Under Ex.C.2 sale deed dated 5.11.1990, the land of an extent of about 1,750 sq.ft. had been sold for a consideration of Rs.29,200/-, which works out of Rs.7,272/- per cent. The Chennai Metropolitan Development Authority itself, by a Notification under Ex.C.3 had agreed to allot plots in a nearby village at the rate of Rs.7,231/- per sq.m.

13. Therefore, the Sub-Court could have easily fixed the compensation at Rs.7,272/- per cent. But, in an arbitrary exercise of power, the Sub-Court fixed the rate at Rs.4,500/- per cent and fortunately for the appellant, the land owners have not either filed an appeal or filed cross objections. Therefore, the appellant - Referring Officer should actually be happy that the Sub-Court enhanced the compensation only to the extent of 60% of the value indicated under Ex.C.2.

14. As we have pointed out in our judgment passed in other cases relating to the acquisition of lands for the very same aromatic complex, the acquired lands are actually situate within a radius of about 10 km from the zero point of Chennai Metropolitan area. The rate of Rs.4,500/- per cent fixed by the Sub-Court actually works out to only around Rs.25,000/- per ground. This amount is not even one hundredth of the market value of the property in such an area. Therefore, we find no justification to interfere with the award passed by the Sub-Court. The award is not contrary to law or weight of evidence and the probabilities of the case. Therefore, the appeals deserve to be dismissed.

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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Ponneri.

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

+ 2ccs to Mr.K.Venkatasubba Raju, Advocate, SR.Nos.59081 & 58813

+ 67ccs to Addl. Govt.Pleader SR 59149

+ 1 cc to Mr.R.Senthilkumar, Advocate SR 59440

vgi(co)
prk22/8

A.S.Nos.751 to 817 of 2015
&all connected pending MPs