THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.7.2015

CORAM

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

A.S.Nos.294 to 323 & 328 to 347 of 2014

The Special Tahsildar
Land Acquisition
MRL Aromatic Project
Jeens Road, Saidapet
Chennai 600 015. .. Appellant in all Appeals

Vs.

S.Rajendran .. Respondent in AS No.294 of 2014

VEERASAMY CHETTY(DECS)

1 Rajeswari
2 CHANDRASEKARAN
3 MANJULA
4 SULOCHANA
5 M.RAMACHANDRAN
6 LATHA
7 A.C.AMSA ..Respondents 1 to 7 in AS No.295 of 2014

A.K.VARADARAMAIYYA CHETTY
..1ST Respondent in AS No.296 of 2014
B.K.SHANMUGAM ..1ST Respondent in AS No.297 of 2014
B.G.ARUMUGAM ..1ST Respondent in AS No.298 of 2014
S. BALAIYYA ..1ST Respondent in AS No.299 of 2014
KALAISELVAN ..1ST Respondent in AS No.300 of 2014
KASTHURI ..1ST Respondent in AS No.301 of 2014
SANTHAKUMARI ..1ST Respondent in AS No.302 of 2014
DEVIKA ARUMUGAM..1ST Respondent in AS No.303 of 2014
KASTHURI ..1ST Respondent in AS No.304 of 2014
DEIVANAI ..1ST Respondent in AS No.305 of 2014
SANTHAKUMARI ..1ST Respondent in AS No.306 of 2014
LAKSHMANAN ..1ST Respondent in AS No.307 of 2014
PANGAJAVALLI ..1ST Respondent in AS No.308 of 2014
VARADARAMAIYYA CHETTY
..1ST Respondent in AS No.309 of 2014
G.RAJESWARI ..1ST Respondent in AS No.310 of 2014

S.DEVARAJAN ..1ST Respondent in AS No.311 of 2014
M.R.MADHUSUDANAM ..1ST Respondent in AS No.312 of 2014
M.S.RAGAVALU ..1ST Respondent in AS No.313 of 2014
A.K.RAMACHANDRAN ..1ST Respondent in AS No.314 of 2014
K.GANDHIMATHI ..1ST Respondent in AS No.315 of 2014
E.SHANMUGAM ..1ST Respondent in AS No.316 of 2014
PRAKASH RAO ..1ST Respondent in AS No.317 of 2014
D.RAMACHANDRAN ..1ST Respondent in AS No.318 of 2014
KODHANDARAMAN ..1ST Respondent in AS No.319 of 2014
SHEK MEERAN ..1ST Respondent in AS No.320 of 2014
MEENATCHIAMMAL ..1ST Respondent in AS No.321 of 2014

1 CHINNAKANNAMMAL
2 DURGA
3 KRISHNAVENI
4 GOPI
5 SRIDHARAN
6 KALAVATHY
7 SUGUNA
8 AMUTHA
9 RAJESWARI
10 BALA ..Respondents 1 to 10 in AS No.322 of 2014

BALASUNDARAM ..1st Respondent in AS No.323 of 2014

1 K. SURIYA NARAYANAN DECEASED
2 M.S. VARALAKSHMI
3 M.S. DHANALAKSHMI
4 K.S. VIJAYARAGAVAN
5 K.S. KOTHANDARAMAN ..Respondents 1 to 5 in AS No.328 of 2014

CHIDAMBARA CHETTY ..1st Respondent in AS No.329 of 2014
M.S.RAMACHANDRAN ..1st Respondent in AS No.330 of 2014
B.S.RAJASEKARAN ..1st Respondent in AS No.331 of 2014
B.S.KRISHNAMURTHY ..1st Respondent in AS No.332 of 2014
M.LATHA ..1st Respondent in AS No.333 of 2014

1 B.S PAZHANI CHETTY DECEASED
2 MEENATCHIAMMAL
3 KANDASAMY
4 GANESAN
5 M. LATHA ..Respondents 1 to 5 in AS No.334 of 2014

B.S.RUTHRAKUMAR ..1st Respondent in AS No.335 of 2014
M.P.N.EZHILARASAN ..1st Respondent in AS No.336 of 2014
S.ANANDAN ..1st Respondent in AS No.337 of 2014
S.KANDHASAMY ..1st Respondent in AS No.338 of 2014
D.R.RAVICHANDRAN ..1st Respondent in AS No.339 of 2014

K.SIVAJI ..1st Respondent in AS No.340 of 2014
M.P.PARTHIBAN ..1st Respondent in AS No.341 of 2014
K.R.KRISHNAKUMARI ..1st Respondent in AS No.342 of 2014
R.VIVEKANANDAN ..1st Respondent in AS No.343 of 2014
M.SUMATHI ..1st Respondent in AS No.344 of 2014
S.K.R.PAZHANI ..1st Respondent in AS No.345 of 2014
KASTHURI ..1st Respondent in AS No.346 of 2014
DEIVANAI ..1st Respondent in AS No.347 of 2014

The Chairman cum Managing Director
TIDCO, 19A, Rukmani Lakshmipathy Salai
Egmore, Chennai 8. ..2ND Respondent in AS No.294, 296, 297 to 321, 323, 328 to 347 of 2014

..2nd Respondent in AS No.295 of 2014
..11th Respondent in AS.No.322 of 2014
..6th Respondent in AS No.328 & 334 of 2014.

NATCO
MANAGING DIRECTOR CIT COLONY MYLAPORE
CHENNAI 4 ..12th Respondent in AS.No.322 of 2014

COMPANY SECRETARY
MRL ANNA SALAI CHENNAI 18

..3rd Respondent in AS.No.298 of 2014

Appeal under Section 54 of the Land Acquisition Act against the order dated 05.4.2013 made in LAOP No.1467, 159, 160, 183, 190, 191, 690, 885, 890, 1262, 1493, 1547, 1548, 1549, 1556, 1698, 174, 179, 180, 181, 182, 590, 593, 623, 642, 645, 689, 173, 861, 873, 161, 164, 165, 167, 168, 171, 172, 195, 197, 198, 203, 205, 218, 225, 281, 283, 284, 589, 889 & 884 of 1998 on the file of Sub Court, Ponneri.

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

For Respondent-1 : Mr.K.Venkatasubbaraju

COMMON JUDGMENT

(Delivered by V.Ramasubramanian,J.)

These appeals are filed by the Special Tahsildar (Land Acquisition), questioning the correctness of a common award passed in a batch of about 50 Land Acquisition Original Petitions, by the Sub Court, Ponneri.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant and Mr.K.Venkatasubbaraju, learned counsel appearing for the claimants. Despite service of notice, the Tamil Nadu Industrial Development Corporation, requisitioning body, has not chosen to enter appearance.

3. By a notification dated 04.02.1990 issued under Section 4 (1) of the Land Acquisition Act, 1894, the land of a large extent in several villages, such as Kosappur, Manali, Mathur, Vaikkadu, Amullavoyal and Elanthancheri were sought to be acquired partly for the purpose of setting up an aromatic complex in and around Manali, where the byproducts of petroleum were expected to be available due to the location of the Madras Refineries Limited. The Land Acquisition Officer, by separate awards passed in Award No.3 of 1993 dated 09.02.1993, Award No.8 of 1993 dated 10.8.1993, Award No.11 of 1993 dated 15.9.1993, Award No.13 of 1993 dated 22.11.1993 and Award No.3 of 1994 dated 27.9.1994, determined the compensation payable at Rs.200/- per cent, insofar as the lands in Amullavoyal and Vaikkadu villages are concerned.

4. Not satisfied with such a fixation of compensation, the land owners sought a reference under Section 18 of the Land Acquisition Act. All the references were grouped together based upon various parameters, such as villages in which the lands were located etc.

5. By a common award passed on 05.4.2013 in a batch of about 50 references in LAOP No.1467 of 1998 etc. batch, the Land Acquisition Tribunal enhanced the compensation to Rs.3,500/- per cent. Aggrieved by such enhancement, the Special Tahsildar (Land Acquisition) has come up with these 50 appeals arising out of the order passed on 05.4.2013 in the batch of 50 references.

6. The Land Acquisition Officer, in his award bearing No.8 of 1993 dated 10.8.1993, took into account 24 sales as data sales. Out of those data sales, there was one document bearing No.1623 of 1989 dated 30.12.1989, whereby a land was sold at the rate of Rs.200/- per cent. Therefore, the Land Acquisition Officer took that sale deed as an indicator and fixed the compensation at Rs.200/- per cent.

7. But, the Land Acquisition Tribunal found that even among the data sale deeds taken into account by the Land Acquisition Officer, there were other sale deeds bearing No.1975 of 1990 dated 23.4.1990, document No.1200 of 1990 dated 23.3.1990 and

document No.5270 of 1989 dated 04.11.1989, where under certain lands had been sold at the rate of Rs.2,543/- or Rs.2,500/- or Rs.2,613/- per cent. Therefore, the Tribunal found that the fixation of Rs.200/- per cent was completely disproportionate.

8. Before the Land Acquisition Tribunal, one land owner by name Rajendran was examined as CW1. He filed 7 documents as Exx.C1 to C7. The Tahsildar (Land Acquisition) was examined as RW1, but no documents were marked on the side of the acquisition officer.

9. The details of the seven documents marked as Exx.C1 to C7 by the land owners before the Tribunal are as follows:

(i) Ex.C1 was a lease cum sale agreement entered into by the Madras Metropolitan Development Authority in favour of a third party;

(ii) Ex.C2 is an advertisement released by the Madras Metropolitan Development Authority;

(iii) Ex.C3 is a sale deed document No.2587 of 1990 dated 30.5.1990;

(iv) Ex.C4 is a sale deed document No.4730 of 1990 dated 05.11.1990;

(v) Ex.C5 is a sale deed document No.5270 of 1990 dated 31.10.1989;

(vi) Ex.C6 is a sale deed document No.1975 of 1990 dated 19.4.1990; and

(vii) Ex.C7 is a computer print out of the guideline valuation.

10. On the basis of Exx.C3 to C6, the Tribunal came to the conclusion that lands in Amullavoyal were sold for a consideration ranging from Rs.2,600/- to Rs.7,000/-. The Tribunal also took note of the fact that under Ex.C1, the Chennai Metropolitan Development Authority had listed out a land, for a consideration of Rs.14,174/- per cent. Therefore, taking into account the fact that the sale consideration ranged from Rs.2,600/- to Rs.7000/-, the Tribunal fixed an arbitrary amount of Rs.3,500/- per cent. Therefore, the Special Tahsildar is on appeal before us.

11. The main grievance of the appellant, as projected by Mr.Gunasekaran, learned Additional Government Pleader is that the sale deeds on which reliance was placed by the Land Acquisition Tribunal, were all dated subsequent to the notification under Section 4(1) and that the only sale deed that was taken into account by the Land Acquisition Officer was at Serial No.11 among the data sales and it was dated 30.12.1989. Therefore, it is the contention of the learned Additional Government Pleader that the Land Acquisition Officer correctly

arrived at the compensation on the basis of the principles laid down by this Court and the Apex Court.

12. It is true that the sale deed documents Exx.C3 to C6 relied upon by the land owners were all subsequent to the notification issued under Section 4(1). As we have stated earlier, the notification under Section 4(1) was issued on 04.02.1990. Exx.C3, C4 and C6 were all executed during he period from May to November 1990.

13. However, Ex.C5 was dated 31.10.1989. Under Ex.C5, the land of the extent of about 5720 sq.ft. had been sold in Vaikkadu Village for a total sale consideration of Rs.34,320/-. This sale deed was actually two months prior to the date of the notification under Section 4(1).

14. As per Ex.C5, the rate per cent works out to Rs.2,616/-. This is why the Land Acquisition Tribunal observed in paragraph 18 of its judgment that the market value ranged from Rs.2,600/- to Rs.7,000/- per cent.

15. Even among the data sales, there were certain sale deeds executed on 04.11.1989, 23.3.1990 and 23.4.1990, where the lands adjoining area had been sold for amounts ranging from Rs.2,500/- to Rs.2,613/-.

16. Therefore, the bottom line taken by the Land Acquisition Tribunal that the market value of the land in the area, at the barest minimum, would be Rs.2,600/- per cent is perfectly justified. Once we find that the bottom line was at least Rs.2,600/- per cent, then the next question is as to whether the fixation of the market rate at Rs.3,500/- per cent is correct or not.

17. It is seen from the records that the Madras Metropolitan Development Authority, under Ex.C1, entered into a lease cum sale agreement with a third party, for leasing out three plots of lands, for a total lease cum sale consideration fixed at the rate of Rs.350/- per sq.m. This works out to more than Rs.14,000/- per cent.

18. No doubt a land offered on a lease cum sale basis by the Madras Metropolitan Development Authority, cannot be compared with the land that is acquired from the respondents in these appeals. However, the Tribunal could not have ignored Ex.C1. The date of execution of Ex.C1 is no doubt later than the date of 4(1) notification. Ex.C1 was dated 27.3.1991. Therefore, even if we take the rate indicated in Ex.C1 to be on the higher side, the fixation of the rate at Rs.3,500/- per cent, by the

Tribunal, which is only 1/4th of the rate demanded by Madras Metropolitan Development Authority after one year of the date of Section 4(1) notification, cannot be said to be very high.

19. We find from the award of the Tribunal that the extent of lands acquired from various individuals, who are parties to the present proceedings, ranged from 5 cents to half an acre. All the land owners had obviously purchased small pieces of land ranging from 5 cents to half an acre in the hope of constructing houses. They could not have purchased small extents of land for the purpose of cultivating the same. Therefore, when the Tribunal has awarded a rate on per cent basis and not on square feet basis, especially to innumerable land owners who owned only very small extent of land, the amount fixed by the Tribunal cannot be said to be high.

20. The Tribunal had correctly applied the principles laid down in various decisions of this Court and the Supreme Court for arriving at the compensation of Rs.3,500/- per cent, after finding that even among the data sales, there were sales fixing the rate anywhere between Rs.2,600/- to Rs.7,000/- per cent. Hence, we find no merits in the appeal. Therefore, these appeals are dismissed. No costs. Consequently, connected M.Ps. 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

kpl

To:
1. The Subordinate Judge,
Ponneri.
Copy to:
The Section Officer,
VR Section,
High Court, Madras.
1 cc to Mr.K.Venkatasubbaraju, Advocate, sr.34416
1 cc to Government Pleader, sr.34320

A.S.Nos.294 to 323 &
328 to 347 of 2014.

cnr co
kra 12.05.2016