

In the High Court of Judicature at Madras

Dated : 16.7.2015

Coram :

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

A.S.Nos.416 to 436 of 2014 & all connected pending MPs

The Special Tahsildar (Land Acquisition) MRL,
Aromatic Project, Saidapet,
Chennai 600 015. ... PETITIONER IN all ASs

VS

K.POONGAVANAM	...1 st	RESPONDENT	in AS No.416 of 2014
KODHANDAM	...1 st	RESPONDENT	in AS No.417 of 2014
SANGESHWARI	...1 st	RESPONDENT	in AS No.418 of 2014
SANGESHWARI	...1 st	RESPONDENT	in AS No.419 of 2014
DILLIBABU	...1 st	RESPONDENT	in AS No.420 of 2014
E.THIYAGARAJAN	...1 st	RESPONDENT	in AS No.421 of 2014
PAZHANIYAMMAL	...1 st	RESPONDENT	in AS No.422 of 2014
SHENBAGAM	...1 st	RESPONDENT	in AS No.423 of 2014
SIVARAMAKRISHNN	...1 st	RESPONDENT	in AS No.424 of 2014
KANNAIYYAN	...1 st	RESPONDENT	in AS No.425 of 2014
UDHAIYAMMAL	...1 st	RESPONDENT	in AS No.426 of 2014
MUNIRATHINAMMAL	...1 st	RESPONDENT	in AS No.427 of 2014
THENAMMAL	...1 st	RESPONDENT	in AS No.428 of 2014
MATHIZHAGAN	...1 st	RESPONDENT	in AS No.429 of 2014
DHANALAKSHMI	...1 st	RESPONDENT	in AS No.430 of 2014
GNANAM	...1 st	RESPONDENT	in AS No.431 of 2014
S.V.MOHANRAO	...1 st	RESPONDENT	in AS No.432 of 2014
NALINI PATHMANABAN	...1 st	RESPONDENT	in AS No.433 of 2014
E.RAVICHANDRAN	...1 st	RESPONDENT	in AS No.434 of 2014
SIVAN PILLAI	...1 st	RESPONDENT	in AS No.435 of 2014
VASAN	...1 st	RESPONDENT	in AS No.436 of 2014

SANCHO CONTRANS P LTD
OLD NO. 14 NEW NO. 31 MOOR Street,
CHENNAI 600 001. ... 2nd Respondent in all AS

Appeal under Section 54 of the Land Acquisition aCT AGAINST THE ORDER DATED 19.8.213 MADE IN 1AOP.Nos.1649, 1035, 1082, 1083, 1095, 1102, 1469, 1477, 1492, 1494, 1495, 1551, 1555, 1558, 1559, 1560, 1561, 1650, 1653, 1654 & 1578 respectively on the file of Sub Court, Ponneri.

For Appellant in all the appeals : Mr.P.Gunasekaran, AGP
For Respondent-1 in all the
appeals/Claimants : Mr.K.Venkatasubbaraju
For R2 in all the appeals : Mr.K.Biajisundar

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 and Mr.K.Venkatasubbaraju, learned counsel appearing for the first respondent in all the appeals/claimants.

3. The land of an extent of about 0.95.5 hectares or 2.36 acres in Vaikkadu Village, formerly Saidapet Taluk, was acquired by the Government of Tamil Nadu for the purpose of setting up an aromatic complex and petro based down stream projects. The Notification under Section 4(1) of the Land Acquisition Act was issued on 31.10.1990. The Land Acquisition Officer passed an award bearing No.1/94 dated 19.1.1994, fixing the compensation at Rs.200/- per cent.

4. On references under Section 18, the Land Acquisition Tribunal passed a common award on 19.3.2013 in a batch of about 21 land acquisition original petitions, enhancing the compensation to Rs.3,500/- per cent. Aggrieved by such enhancement, the Special Tahsildar has come up with the above appeals.

5. It is seen from the award of the Land Acquisition Officer that he took into account, about 24 sale transactions that took place during the period from 13.9.1989 to 3.9.1990. Out of the 24 sale transactions, the Land Acquisition Officer rejected four items at S.Nos.7, 9, 10 and 19 on the ground that they related to unapproved house site plots. Four other items at S.Nos.8, 15, 16 and 17 were also rejected on the ground that they are also unapproved house site plots with huts. Two items at S.Nos.5 and 6 were rejected as village sites and located in residential area. About 8 transactions were rejected on the species plea

that they related to sale of lands at exorbitant and fancy price not reflecting the true trend of market value. Two other sale deeds of item Nos.14 and 18 were rejected on the ground that they related to dry lands and not comparable.

6. Eventually, the Land Acquisition Officer took note of the sale transaction at S.No.11 among the data sales. Under this sale transaction, the land of an extent of 0.62 acres of wet land was sold for Rs.12,400/- under document No.6326 dated 30.12.1989. Therefore, the Land Acquisition Officer fixed the compensation at Rs.200/- per cent on the basis of this transaction.

7. Before the Land Acquisition Tribunal, the land owners examined one person as C.W.1. Six documents were marked as Ex.C.1 to Ex.C.6 on the side of the claimants. The Special Tahsildar was examined as R.W.1. But, no documents were marked on the side of the Special Tahsildar.

8. The Land Acquisition Tribunal first rejected the logic and reasoning adopted by the Land Acquisition Officer for rejecting some of the transactions on the ground that they related either to the sale of unapproved house site plots or that they related to sales at fancy prices. In our considered view, the Tribunal was right in finding fault with the reasoning adopted by the Land Acquisition Officer.

9. The reason for our above conclusion is that the lands acquired from the respondents in these appeals/claimants, were themselves the lands of similar extents ranging from about 2 3/4 cents to about 10 1/2 cents. The very fact that the respondents in these appeals/claimants owned very small extents of lands, which were acquired for the project, showed that they owned only house site plots. If the land acquired itself is of an extent of about half a ground to two grounds, the Land Acquisition Officer cannot take the same as an agricultural dry land or wet land and reject the sale transactions relating to the sale of unapproved house sites. What the respondents had and what was acquired for the project were themselves unapproved house sites. Therefore, the rejection of the data sales by the Land Acquisition Officer was completely illogical.

10. The Land Acquisition Tribunal found from the evidence of C.W.1 and R.W.1 that the lands in question were located in an area where industries have come up, educational institutions have been established and post offices, petrol bunks, hospitals, departmental stores, marriage halls and a milk dairy had already been established. The locational advantages, as pointed out by C.W.1, were not in dispute. As a matter of fact, the area was chosen for the setting up of an aromatic complex only due to the fact that there were Manali Refineries Limited and Chennai

Metropolitan Corporation Limited, which not only had extraction and refining plants, but also had residential colonies developed in the area for the purpose of housing their industrial workers.

11. The Tribunal also took note of an agreement that the Chennai Metropolitan Development Authority had entered into under Ex.C.1 for letting out a piece of land in the locality. Under Ex.C.1, which was dated -- March 2001, the Chennai Metropolitan Development Authority itself had claimed a rate of about Rs.350/- per sq.meter. This worked out to more than Rs.14,000/- per sq.ft. Therefore, the Tribunal took note of Ex.C.3 to Ex.C.5, which were all sale deeds relating to lands of similar nature and of the same extent as acquired from the respondents in the appeals/claimants and arrived at the market value as Rs.3,500/- per cent. In such circumstances, we are of the considered view that the award of the Tribunal does not call for any interference, as it is in accordance with the parameters laid down by this Court and the Apex Court.

12. Accordingly, the above appeals are dismissed. No costs. Consequently, all connected pending MPs are also dismissed.

RS

(Sd)

Assistant Registrar (CS-VII)

True copy

Sub Assistant Registrar.

To

1. The Sub Judge,
Subordinate Court, Ponneri.

2. The Special Tahsildar (LA) MRL
Aromatic Project, Saidapet,
Chennai-15.

+ 1 cc to Mr.K.Venkatasubbu Raju, Advocate SR 35987

+ 1 cc to Mr.K.Bijai Sundar, Advocate SR 36405

+ 1 cc to Government Pleader SR 36264

cnr(co)
prk6/5

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