

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM

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

A.S.Nos.466 to 492, 495 to 570 & 586 to 611 of 2014

The Special Tahsildar (Land Acquisition)
MRL (Now CPCL) Aromatic Project
Saidapet
Chennai 600 015.

... Appellant/Referring
in all the Appeals

Vs.

Eswaran	...R1/Claimant in A.S.466 of 2014
Baskaran	...R1/Claimant in A.S.467 of 2014
Subramani	...R1/Claimant in A.S.468 of 2014
Vijayakumar	...R1/Claimant in A.S.469 of 2014
Bangaru	...R1/Claimant in A.S.470 of 2014
Bangaru	...R1/Claimant in A.S.471 of 2014
Senthamarai	...R1/Claimant in A.S.472 of 2014
Ramalingam	...R1/Claimant in A.S.473 of 2014
Ramkumar	...R1/Claimant in A.S.474 of 2014
Paranthaman	...R1/Claimant in A.S.475 of 2014
Rajammal	...R1/Claimant in A.S.476 of 2014
Elumalai	...R1/Claimant in A.S.477 of 2014
Unnikrishnan	...R1/Claimant in A.S.478 of 2014
Sampath	...R1/Claimant in A.S.479 of 2014
Saratha	...R1/Claimant in A.S.480 of 2014
Gowribai	...R1/Claimant in A.S.481 of 2014
Chellapandian @ Selvapandian	...R1/Claimant in A.S.482 of 2014
Bharathy	...R1/Claimant in A.S.483 of 2014
Devarajan	...R1/Claimant in A.S.484 of 2014
Samundeshwari	...R1/Claimant in A.S.485 of 2014
Kandhasamy	...R1/Claimant in A.S.486 of 2014
J.Muthuraja	...R1/Claimant in A.S.487 of 2014
J.Muthuraja	...R1/Claimant in A.S.488 of 2014
Maragatham	...R1/Claimant in A.S.489 of 2014
Chandirababu	...R1/Claimant in A.S.490 of 2014
Bangaru	...R1/Claimant in A.S.491 of 2014
Bangaru	...R1/Claimant in A.S.492 of 2014

Vinnarasu	...R1/Claimant in A.S.495 of 2014
R.Vasantha	...R1/Claimant in A.S.496 of 2014
Murugan	...R1/Claimant in A.S.497 of 2014
Muthurajan	...R1/Claimant in A.S.498 of 2014
Subramani	...R1/Claimant in A.S.499 of 2014
Kamala	...R1/Claimant in A.S.500 of 2014
Shanthi Lakshmi	...R1/Claimant in A.S.501 of 2014
Kabali	...R1/Claimant in A.S.502 of 2014
Mohammad Iqbal	...R1/Claimant in A.S.503 of 2014
Jayasingh	...R1/Claimant in A.S.504 of 2014
Radhakrishnan	...R1/Claimant in A.S.505 of 2014
Srinivasan	...R1/Claimant in A.S.506 of 2014
Govindarajan	...R1/Claimant in A.S.507 of 2014
Jayalakshmi	...R1/Claimant in A.S.508 of 2014
Saraswathi	...R1/Claimant in A.S.509 of 2014
Kannan	...R1/Claimant in A.S.510 of 2014
Paneerselvam	...R1/Claimant in A.S.511 of 2014
Kasi Mudaliar	...R1/Claimant in A.S.512 of 2014
Samar Poori	...R1/Claimant in A.S.513 of 2014
Nagiladevi	...R1/Claimant in A.S.514 of 2014
Balasubramani	...R1/Claimant in A.S.515 of 2014
Natarajan	...R1/Claimant in A.S.516 of 2014
Paneerselvam	...R1/Claimant in A.S.517 of 2014
C.R.Varadhan	...R1/Claimant in A.S.518 of 2014
David Sherif	...R1/Claimant in A.S.519 of 2014
Eagambaram	...R1/Claimant in A.S.520 of 2014
Chandiran	...R1/Claimant in A.S.521 of 2014
Sankarankutty	...R1/Claimant in A.S.522 of 2014
Krishnamurthy	...R1/Claimant in A.S.523 of 2014
Kandasamy	...R1/Claimant in A.S.524 of 2014
Kamatichiammal	...R1/Claimant in A.S.525 of 2014
Amaravathy	...R1/Claimant in A.S.526 of 2014
Jayakumar	...R1/Claimant in A.S.527 of 2014
Meganathan	...R1/Claimant in A.S.528 of 2014
Radhakrishnan	...R1/Claimant in A.S.529 of 2014
Rajaram	...R1/Claimant in A.S.530 of 2014
Easurathinam	...R1/Claimant in A.S.531 of 2014
Govindan	...R1/Claimant in A.S.532 of 2014
Pachiappan	...R1/Claimant in A.S.533 of 2014
Gnanambikai	...R1/Claimant in A.S.534 of 2014
Dhananjeyan	...R1/Claimant in A.S.535 of 2014
Boominathan	...R1/Claimant in A.S.536 of 2014
Krishnamoorthy	...R1/Claimant in A.S.537 of 2014
Balasubramaniam	...R1/Claimant in A.S.538 of 2014
Sadhanandakumar	...R1/Claimant in A.S.539 of 2014
Sankari	...R1/Claimant in A.S.540 of 2014
Srinivasan	...R1/Claimant in A.S.541 of 2014
Manickam	...R1/Claimant in A.S.542 of 2014
Lalitha	...R1/Claimant in A.S.543 of 2014

Maideen Beevi	...R1/Claimant in A.S.544 of 2014
Nagammal	...R1/Claimant in A.S.545 of 2014
David Thilagar	...R1/Claimant in A.S.546 of 2014
Murugan	...R1/Claimant in A.S.547 of 2014
Sarojammal	...R1/Claimant in A.S.548 of 2014
Eagambaram	...R1/Claimant in A.S.549 of 2014
Arumuga Achari	...R1/Claimant in A.S.550 of 2014
Murugan	...R1/Claimant in A.S.551 of 2014
Subramani	...R1/Claimant in A.S.552 of 2014
Nagammal	...R1/Claimant in A.S.553 of 2014
Sarojammal	...R1/Claimant in A.S.554 of 2014
Alamelu	...R1/Claimant in A.S.555 of 2014
Chitra	...R1/Claimant in A.S.556 of 2014
Sivagami	...R1/Claimant in A.S.557 of 2014
Chakkarabani	...R1/Claimant in A.S.558 of 2014
Ranganathan Mudhaliar	...R1/Claimant in A.S.559 of 2014
Murugesan	...R1/Claimant in A.S.560 of 2014
Pushpavalli	...R1/Claimant in A.S.561 of 2014
Sarojini	...R1/Claimant in A.S.562 of 2014
Arumuga Achari	...R1/Claimant in A.S.563 of 2014
Chitra	...R1/Claimant in A.S.564 of 2014
Eagambaram	...R1/Claimant in A.S.565 of 2014
Lakshmiammal	...R1/Claimant in A.S.566 of 2014
Gnanasekaran	...R1/Claimant in A.S.567 of 2014
V.Murthy	...R1/Claimant in A.S.568 of 2014
A.Radhakrishnan	...R1/Claimant in A.S.569 of 2014
Subbulakshmi	...R1/Claimant in A.S.570 of 2014
Nagammal	...R1/Claimant in A.S.586 of 2014
Ranjini	...R1/Claimant in A.S.587 of 2014
Samundeshwari	...R1/Claimant in A.S.588 of 2014
Ravuth Sherif	...R1/Claimant in A.S.589 of 2014
Manogaran	...R1/Claimant in A.S.590 of 2014
Panduranga Gounder	...R1/Claimant in A.S.591 of 2014
Thiyagarajan	...R1/Claimant in A.S.592 of 2014
George Francis	...R1/Claimant in A.S.593 of 2014
Jadamuni	...R1/Claimant in A.S.594 of 2014
Vijaya	...R1/Claimant in A.S.595 of 2014
Thilagavathy	...R1/Claimant in A.S.596 of 2014
Sagunthala	...R1/Claimant in A.S.597 of 2014
Devayani	...R1/Claimant in A.S.598 of 2014
Sundaram	...R1/Claimant in A.S.599 of 2014
Natarajan	...R1/Claimant in A.S.600 of 2014
Ayusha Bevi	...R1/Claimant in A.S.601 of 2014
Surpudeen	...R1/Claimant in A.S.602 of 2014
Sathyanarayana Chetty	...R1/Claimant in A.S.603 of 2014
Ethirajan	...R1/Claimant in A.S.604 of 2014
Dillibabu	...R1/Claimant in A.S.605 of 2014
Kannaiyan	...R1/Claimant in A.S.606 of 2014
Mumthaj	...R1/Claimant in A.S.607 of 2014

Poongodi
Pavunammal
Desappan
Lalitha

...R1/Claimant in A.S.608 of 2014
...R1/Claimant in A.S.609 of 2014
...R1/Claimant in A.S.610 of 2014
...R1/Claimant in A.S.611 of 2014

The Member Secretary
MRL (now CPCL)
No.552, Anna Salai
Teynampet, Chennai 18.

Project Officer
AROCHEM, No.88, Anna Salai
SPIC Centre, Guindy
Chennai 32.

...2nd & 3rd Respondents/Beneficiaries
in all the Appeals

Appeal under Section 54 of the Land Acquisition Act against the order dated 24.6.2013 made in LAOP Nos.1037/98, 766/98, 767/98, 770/98, 892/98, 893/98, 895/98, 896/98, 897/98, 898/98, 902/98, 906/98, 918/98, 920/98, 922/98, 1011/98, 1354/98, 1385/98, 1387/98, 1388/98, 1389/98, 1390/98, 1391/98, 1392/98, 1393/98, 1394/98, 1395/98, 1405/98, 496/98, 501/98, 515/98, 535/98, 542/98, 543/98, 544/98, 550/98, 549/98, 551/98, 752/98, 724/98, 756/98, 760/98, 761/98, 762/98, 763/98, 764/98, 768/98, 1407/98, 1412/98, 1413/98, 1414/98, 505/98, 511/98, 525/98, 765/98, 907/98, 908/98, 909/98, 910/98, 911/98, 912/98, 913/98, 915/98, 916/98, 917/98, 921/98, 923/98, 924/98, 925/98, 926/98, 927/98, 928/98, 929/98, 930/98, 979/98, 985/98, 1415/98, 498/98, 499/98, 502/98, 506/98, 512/98, 517/98, 518/98, 519/98, 520/98, 521/98, 500/98, 522/98, 523/98, 524/98, 528/98, 529/98, 530/98, 532/90, 533/98, 536/98, 537/98, 538/98, 539/98, 540/98, 541/98, 919/98, 509/98, 526/98, 527/98, 534/98, 546/98, 547/98, 548/98, 1396/98, 1397/98, 1398/98, 1400/98, 1401/98, 1403/98, 1404/98, 1411/98, 1416/98, 1417/98, 1418/98, 1419/98, 1420/98, 1421/98, 1422/98, 1423/98, 1424/98, 1425/98 & 1402/98 on the file of Sub Court, Ponneri.

For Appellant : Mr.P.Gunasekaran,
Additional Government Pleader (AS)
For Respondent-1 : Mr.G.Karthikeyan
For Respondent-2 : Mr.R.Senthil Kumar

COMMON JUDGMENT
(Delivered by V.Ramasubramanian,J.)

All these 129 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 reference under Section 18.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant, Mr.G.Karthikeyan, learned counsel appearing for the claimants and Mr.R.Senthil Kumar, learned counsel for the second respondent.

3. By a notification dated 19.12.1990 issued under Section 4 (1) of the Land Acquisition Act, the Government of Tamil Nadu sought to acquire a vast extent of land, some of which were in Mathur Village, formerly of Saidapet Taluk and later of Madhavaram Taluk, Thiruvallur District, for the setting up of an aromatic complex. After completing enquiry, the Land Acquisition Officer passed two different awards bearing Nos.4 of 1993 and 7 of 1993 respectively on 18.6.1993 and 15.10.1993, fixing the rate of compensation at Rs.200/- per cent.

4. References made under Section 18 were taken on file by the Sub Court, Ponneri, in a batch of 129 Land Acquisition Original Petitions, with the lead case bearing LAOP No.1037 of 1998. By a judgment and decree dated 24.6.2013, the Sub Court, Ponneri, enhanced the compensation to Rs.4,750/- per cent. Aggrieved by the enhancement of compensation, the Special Tahsildar is on appeal.

5. The Land Acquisition Officer took note of the fact that 286 sale transactions had taken place during the relevant period. Out of them, 263 were discarded as relating to plots, 3 were discarded as relating to village sites, 5 were discarded as they related to poramboke land and 13 were discarded on the ground that they related to higher sale value. Eventually, on the basis of the sale transaction at serial No.21, where under the land of an extent of 0.59 acres had been sold for Rs.11,800/- under a sale deed dated 31.01.1990, the Land Acquisition Officer fixed the compensation at Rs.200/- per cent.

6. Before the Sub Court, the claimant in one of the petitions was examined as CW1 and he filed 6 sale deeds as Exx.C1 to C6. The Special Tahsildar was examined as RW1. The reports of the Advocate Commissioner were filed as Exx.X1 and X2. The valuation given by the Engineer of the Public Works Department was marked as Ex.X3.

7. The Sub Court, Ponneri, adopted a short cut to find out the market value. After rejecting the valuation adopted by the Land Acquisition Officer and rightly so, the Sub Court found that as per the data sales, the market value of the property was Rs.8,750/- per cent and that the same had also been confirmed by Exx.C1 to C6. Therefore, the Sub Court held that the fixation of Rs.4,750/- per cent would meet the ends of justice.

8. 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.

9. 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 in paragraph 23 of its award that the market value could be fixed at Rs.4,750/- per cent. Therefore, we are now constrained to independently go into the question with reference to the evidence produced before the Sub Court.

10. At the outset, we have to point out that the Land Acquisition Officer was completely in error in rejecting 263 sale transactions out of data sales of 286 transactions, on the ground that they related to sale of plots. The learned counsel for the respondents/claimants have produced a tabulation which shows that all the respondents herein own very small extent of land, which are actually house sites plots. Out of 129 respondents herein, about 57 persons own only 5 cents or 5½ cents of land. A majority of the remaining persons own even smaller extents, such as 4 cents, 2.75 cents, 1 cent, etc. Only 7 out of 129 respondents own more than 10 cents of the land.

11. Therefore, two facts, namely (a) that all the respondents/claimants herein owned only house site plots of around 5 cents, and (b) that about 263 out of 286 data sales related to the sale of house sites plots make it clear that the value indicated in those 263 sale transactions could not have been discarded by the Land Acquisition Officer on the ground on which he has discarded them.

12. As stated earlier, the respondents/claimants produced 6 different sale deeds as Exx.C1 to C6. All of them were dated prior to the date of issue of notification under Section 4(1). The market value of land, as reflected in Exx.C1 to C6

respectively were Rs.8,549/-, Rs.8008/-, Rs.7,333/-, Rs.6,545/-, Rs.8,097/- and Rs.8,720/-. Particularly, Ex.C4 is a sale deed dated 07.9.1990, where under the land of an extent of 5.50 cents had been sold for Rs.36,000/- at a rate of Rs.6,545/- per cent. Therefore, the Court below ought to have at least adopted Rs.6,545/- per cent at the minimum.

13. Though the respondents have not come up with any appeal or cross objections for enhancement, this Court is entitled to exercise the jurisdiction conferred under Order XLI, Rule 33, CPC. But, unfortunately, the present batch of cases formed part of a huge batch, some of which had been disposed of by us earlier. Therefore, an enhancement granted now will open pandora's box in respect of other cases. Therefore, this is actually a case where the compensation awarded by the Tribunal should be enhanced. If that is so, the Special Tahsildar cannot have any objection at least to the confirmation of the judgment and decree of the trial Court. Hence, 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 Sub Judge,
Sub Court, Ponneri.
- 2.The Government Pleader,
High Court, Madras.
- 3.The Section Officer,
V.R.Section,
High Court, Madras.

+lcc to Mr.G.Karthikeyan, Advocate, S.R.No.34627

+lcc to Mr.R.Senthil Kumar, Advocate, S.R.No.34613

A.S.Nos.466 to 492, 495 to 570
& 586 to 611 of 2014

VGI (CO)

CA(04/07/2016)