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.574 to 585 of 2014 & all connected pending MPs

The Special Tahsildar (LA), MRL
Aromatic Project, Saidapet,
Chennai-15. ...Appellant in all the ASs.

Vs

1.Krishnasamy ..R1 in AS.No.574 of 2014

2.Parimala Rani ..R1 in AS.No.575 of 2014

3.Jeyalakshmi ..R1 in AS.No.576 of 2014

4.Akilandeshwari ...R1 in AS.No.577 of 2014

5.Devarajan ...R1 in AS.No.578 of 2014

6.Gopalakrishnan ...R1 in AS.No.579 of 2014

7.Sugan ...R1 in AS.No.580 of 2014

8.Kaliyamurthy ...R1 in AS.No.581 of 2014

9.Deva Amirthammal ...R1 in AS.No.582 of 2014

10.Narayana Vadivu ...R1 in AS.No.583 of 2014

11.Shanthakumari ...R1 in AS.No.584 of 2014

12.Ramachandiran ...R1 in AS.No.585 of 2014

13.M/s.Gupta Investment Corporation,
rep.by its Executive Director,
Thandaiyarpet, Chennai-81. ...R2 in all the ASs.

APPEALS under Section 54 of the Land Acquisition Act, 1894 against the common order dated 1.3.2014 made respectively in LAOP.Nos.143, 136, 137, 138, 139, 140, 141, 144, 145, 146, 147 and 1562 of 1998 on the file of the Subordinate 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 : No appearance

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 manavari lands of an extent of 1.07.5 hectares or 2.65 acres in Elanthancheri 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. Though several notifications were issued, last of 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.1/93 dated 16.3.1993, fixing the compensation at Rs.157/- per cent.

4. On references under Section 18, the Land Acquisition Tribunal passed a common award on 1.3.2014 in a batch of 12 land acquisition original petitions, enhancing the compensation to Rs.3,600/- 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 35 sale transactions that took place during the period from 14.12.1987 to 3.4.1990. Out of the 35 sale transactions, the Land Acquisition Officer rejected the sales at S.Nos.1, 2, 10 to 14, 17, 19, and 20 on the ground that they related to settlement among family members. The sales in S.No.29 was not taken into account, as it related to sale of a plot. The sales in S.Nos.18 and 30 were rejected, as the lands were sold for a higher rate. The sales pertaining to S.Nos.5, 15, 21, 22 and 23 related to sale of plot with hut. The sales pertaining to S.Nos.6 to 8, 33 and 35 were rejected, as the lands located in a village site, which cannot be compared with manavari lands. Similarly, the sales pertaining to S.Nos.32 and

34 were rejected, as they related to poramboke lands, which also cannot be compared with manavari lands. The sales at S.No.3 was rejected, as it related to a settlement. S.Nos.16 and 26 were also rejected, as they related to payment of advance alone. The sales in S.No.27 was rejected, as it related to a release deed. The sales in S.No.31 was rejected, as it related to a consent deed. The sales in S.No.28 was rejected, as it related to lands located far away from the lands under acquisition. The sales in S.No.4 was rejected, as there was a dilapidated shed in the field. The sales in S.No.24 was also rejected, as it related to a distress sale, made at low price for urgent family expenses.

6. Eventually, the Land Acquisition Officer took note of the sale transaction at S.No.9 among the data sales. Under this sale transaction, an extent of 1.08 acres of manavari lands was sold for Rs.17,000/- under document No.5191 of 1988 dated 26.10.1988. Therefore, the Land Acquisition Officer fixed the compensation at Rs.157/- per cent on the basis of this transaction.

7. Before the Land Acquisition Tribunal, the land owners examined one person as C.W.1. Eight documents were marked as Ex.C.1 to Ex.C.8 on the side of the claimants. Ex.C.1 is the agreement entered into between the Madras Metropolitan Development Authority and the Steel Authority of India Limited. Ex.C.2 is the report published in the Hindu as to the agreement between the Madras Metropolitan Development Authority and the Steel Authority of India Limited. Ex.C.3 to Ex.C.6 and Ex.C.8 are the sale deeds respectively dated 14.3.1990, 11.4.1989, 19.4.1990, 31.10.1989 and 5.11.1990. Ex.C.7 is the computerized version of guideline value. 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 took into consideration the exhibits marked as Ex.C.3 to Ex.C6 and Ex.C.8 and ultimately came to the conclusion that there was no reason to disbelieve the above documents nor any documentary evidence has been produced by the Special Tahsildar to reject Ex.C.3 to Ex.C6 and Ex.C.8. However, the Land Acquisition Tribunal also came to the conclusion that the claimants did not produce any documentary evidence as to the standing trees in the acquired lands that that therefore, the claim for compensation towards the standing trees was rejected. The Land Acquisition Tribunal found that the lands covered under Ex.C.3 to Ex.C6 and Ex.C8 are of similar nature as acquired from the respondents in the appeals/claimants.

9. The reason for our above conclusion is that the lands acquired from the respondents in these appeals/claimants, were themselves the lands of smaller extents. 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 a smaller extent, the Land Acquisition Officer cannot take the same as an agricultural dry land or wet land.

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 29.3.1991, 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.6 and Ex.C.8, which were all sale deeds relating to lands of similar nature as acquired from the respondents in the appeals/claimants and arrived at the market value as Rs.3,600/- per cent as per Ex.C.8. 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. The Additional Government Pleader is entitled to separate fees in these cases.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

RS

To

The Subordinate Judge, Ponneri.

Copy to: The Section Officer, VR Section,
High Court, Madras.

+1cc to Mr.Venkatasubbaraju, Advocate, S.R.No.35988
+1cc to the Government Pleader, S.R.No.36265

KSJ(CO)
EU(07/06/2016)

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