

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.776 to 830 of 2014 & all connected pending MPs

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

Vs

1.E.Dayalan ...R1 in AS.No.776 of 2014
2.Kulasekaran ...R1 in AS.No.777 of 2014
3.Thiralapathiammal ...R1 in AS.No.778 of 2014
4.Alaiyammal ...R1 in AS.No.779 of 2014
5.Govindammal ...R1 in AS.No.780 of 2014
6.Masilamani ...R1 in AS.No.781 of 2014
7.Prakasam ...R1 in AS.No.782 of 2014
8.Booshanam
9.Pushpa
10.Gopal ...R1 to R3 in AS.No.783 of 2014

Kodandaraman (deceased)

11.Mahalakshmi
12.Janaki
13.Madhanraj
14.Kasthuri ...R1 to R4 in AS.No.784 of 2014

15.Sadagopa Naicker ...R1 in AS.No.785 of 2014
16.Subadirai ...R1 in AS.No.786 of 2014
17.Kanniyammal ...R1 in AS.No.787 of 2014
18.Balasundaram ...R1 in AS.No.788 of 2014
19.Sadagopa Naicker ...R1 in AS.No.789 of 2014
20.Shanmugam ...R1 in AS.No.790 of 2014
Ponnuruvi (deceased)
21.Malarvizhi
22.Mahesh ...R1 & R2 in AS.No.791 of 2014

23.Jagatheshwari ...R1 in AS.No.792 of 2014
24.Gajendiran ...R1 in AS.No.793 of 2014
25.Dayalan ...R1 in AS.No.794 of 2014
26.Kannappan ...R1 in AS.No.795 of 2014
27.Dasarathan ...R1 in AS.No.796 of 2014
28.Vivekanandan ...R1 in AS.No.797 of 2014
29.Subramani Naicker ...R1 in AS.No.798 of 2014
30.Subramani Naicker ...R1 in AS.No.799 of 2014
31.Devendiran ...R1 in AS.No.800 of 2014
32.Gowri ...R1 in AS.No.801 of 2014

Srinivasan (deceased)

32.Nelliammal
33.Thulukkanam
34.Kumari
35.Alli ...R1 to R4 in AS.No.802 of 2014

Vedhagiri (deceased)

36.Rajeshwari
37.Pushpalingam
38.Ragupathy
39.Loganathan
40.Kotteswaran ...R1 to R5 in AS.No.803 of 2014
41.Paranthaman ...R1 in AS.No.804 of 2014
42.Dhrowpathiyammal ...R1 in AS.No.805 of 2014
Dayalan (deceased)
43.Ramani
44.Ravi Ramani
45.Murali
46.Elango
47.Vasuki ...R1 to R5 in AS.No.806 of 2014

48.Govindammal ...R1 in AS.No.807 of 2014
49.Sagadevan ...R1 in AS.No.808 of 2014
50.Dharmambal ...R1 in AS.No.809 of 2014
51.Ponnammal ...R1 in AS.No.810 of 2014
52.Ponnammal ...R1 in AS.No.811 of 2014
53.Pushpa ...R1 in AS.No.812 of 2014
54.Gopal ...R1 in AS.No.813 of 2014
55.Booshanam ...R1 in AS.No.814 of 2014
Raman Naicker (deceased)

56.Kamatchi
57.Parthiban
58.Gowri
59.Ramani
60.Sammantham
61.Thamaraiselvi
62.Thilagam ...R1 to R7 in AS.No.815 of 2014

63.Rajakumari
64.Sakkarapani ...R1 & R2 in AS.No.816 of 2014
65.Thirugnanam ...R1 in AS.No.817 of 2014
66.Santhanam ...R1 in AS.No.818 of 2014
67.Thiyagarajan ...R1 in AS.No.819 of 2014
68.Balasundaram ...R1 in AS.No.820 of 2014
69.Ponnurangam ...R1 in AS.No.821 of 2014
70.Deivanayaki ...R1 in AS.No.822 of 2014
71.Murugammal ...R1 in AS.No.823 of 2014
72.Dayalan ...R1 in AS.No.824 of 2014

Deenan (deceased)

73.Jayalakshmi
74.Dillibabu
75.Vijayakumar
76.Rajan
77.Arumugam ...R1 to R5 in AS.No.825 of 2014
78.Devika Arumugam ...R1 in AS.No.826 of 2014
79.Perumal ...R1 in AS.No.827 of 2014
80.Jayashree ...R1 in AS.No.828 of 2014
81.Anbu ...R1 in AS.No.829 of 2014
82.Prakasam ...R1 in AS.No.830 of 2014

83.The Chairman-cum-Managing
Director, TIDCO, Egmore,
Chennai-8. ...Respondent in all the ASs.

APPEALS under Section 54 of the Land Acquisition Act, 1894 against the common order dated 9.4.2014 made respectively in LAOP.Nos.207, 234, 235, 236, 237, 238, 240, 244, 248, 249, 271, 368, 369, 553, 554, 556, 557, 558, 562, 563, 566, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 595, 621, 844, 847, 848, 849, 851, 852, 854, 855, 856, 872, 876, 878, 879, 882, 1254, 1261, 1410, 1552 and 1553 of 1998 and 37 of 1999 on the file of the Subordinate Court, Ponneri.

For Appellant in all the appeals:Mr.P.Gunasekaran, AGP
For Claimants/Land Owners :Mr.K.Venkatasubbaraju
For TIDCO 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 claimants,.

3. The lands of an extent of 5.91.0 hectares or 14.60 acres in Manali, Vaikkadu Village, formerly Saidapet Taluk, were 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 11.12.1990. The Land Acquisition Officer passed an award bearing No.1/93 dated 12.5.1993, fixing the compensation at Rs.200/- per cent.

4. On references under Section 18, the Land Acquisition Tribunal passed a common award on 9.4.2014 in a batch of 55 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 24 sale transactions that took place during the period from 13.9.1989 to 17.10.1990. Out of the 24 sale transactions, the Land Acquisition Officer rejected the sales at Sl.Nos.7, 9, 10 and 19 on the ground that they related to unapproved house sites. The sales in Sl.Nos.8 and 15 to 17 were not taken into account, as they related to unapproved house sites with huts. The sales in Sl.Nos.5 and 6 were rejected, as they were in village site and residential area. The sales pertaining to Sl.Nos.1 to 4, 13 and 20 to 22 were rejected, as they related to sale at exorbitant and fancy price. The sales pertaining to Sl.Nos.14 and 18 were rejected, as they related to dry lands. The sales at Sl.No.12 was rejected, as the rate was higher not reflecting the actual market value of agricultural wet lands. The sales at Sl.Nos.23 and 24 were discarded, as they were not comparable to fix the market value of the agricultural wet lands.

6. Eventually, the Land Acquisition Officer took note of the sale transaction at Sl.No.11 among the data sales. Under this sale transaction, an extent of 0.62 acre of wet land was sold for Rs.12,400/- under document No. 6326 of 1989 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. Ex.C.1 was the agreement entered into between the Madras Metropolitan

Development Authority and the Steel Authority of India Limited. Ex.C.2 was the report published in the Hindu dated 21.11.1990 as to the agreement between the Madras Metropolitan Development Authority and the Steel Authority of India Limited. Ex.C.3 was the certified copy of a sale deed dated 5.11.1990. Ex.C4 was the Government Order dated 11.9.2009. Ex.C.5 and Ex.C.6 were the Hindu papers. 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 exhibit marked as Ex.C.3 wherein the land covered thereunder was sold at Rs.7,276/- per cent and ultimately came to the conclusion that there was no reason to disbelieve the above document nor any documentary evidence has been produced by the Special Tahsildar to reject Ex.C.3. The Land Acquisition Tribunal found that the lands covered under Ex.C.3 are of similar nature as that of the lands acquired from the claimants. As per Ex.C.3, the Tribunal arrived at the market value of the acquired lands at Rs.4,500/-, deducted 20% towards development charges and fixed a sum of Rs.3,600/- per cent.

9. The Land Acquisition Tribunal further 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.

10. 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 which was a sale deed 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.3. 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.

11. 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 IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Subordinate Court,
Ponneri.
- 2.The Special Tahsildar(LA) MRL Aromatic Project Complex,
Saidapet, Chennai-15.
- 3.The Chairman Cum Managing Director,
TIDCO, Egmore, Chennai-8.
- 4.The Section officer,
VR Section,
High Court, Madras.

+1cc to Mr.Venkatasubburaju, Advocate Sr.35989
+1cc to the Government Pleader Sr.36266

A.S.Nos.776 to 830 of 2014
& all connected pending MPs

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srg 01/06/2016

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