

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.8.2015

Coram

The Hon'ble Mr.Justice V.RAMASUBRAMANIAN
and
The Hon'ble Mr.Justice T.MATHIVANAN

Appeal Suit Nos.99 to 115 of 2013

The Special Tahsildar,
Outer Ring Road Project,
Chennai Metropolitan
Development Authority,
Egmore, Chennai-8

...Appellant/1st Respondent
in all appeals

Vs.

K.Palanisamy	..1st Respondent/Claimant in A.S.No.99/13
L.M. Vasudevan	..1st Respondent/Claimant in A.S.No.100/13
M. Vedagiri	..1st Respondent/Claimant in A.S.No.101/13
Getharina Victoria	..1st Respondent/Claimant in A.S.No.102/13
S. Delli	..1st Respondent/Claimant in A.S.No.103/13
S. Gomathi	..1st Respondent/Claimant in A.S.No.104/13
K. Palani	..1st Respondent/Claimant in A.S.No.105/13
Masilamani	..1st Respondent/Claimant in A.S.No.106/13
B.L. Bengani	..1st Respondent/Claimant in A.S.No.107/13
C.M.S. Srikumar	..1st Respondent/Claimant in A.S.No.108/13
G. Muthu	..1st Respondent/Claimant in A.S.No.109/13
R. Rathinavelu	..1st Respondent/Claimant in A.S.No.110/13
M. Nalini	..1st Respondent/Claimant in A.S.No.111/13
A. Susheela	..1st Respondent/Claimant in A.S.No.112/13
Dhanalakshmi	..1st Respondent/Claimant in A.S.No.113/13

J. Srinivasan

...1st Respondent/Claimant
in A.S.No.114/13

K. Annadurai

...1st Respondent/Claimant
in A.S.No.115/13

2. The Member Secretary,
Chennai Metropolitan
Development Authority,

Egmore, Chennai - 600 008. ...2nd Respondent/Beneficiary /
Respondent in all appeals

Appeal Suit filed under Section 54 of the Land Acquisition Act, against the Judgment and decree of the Additional District Court, FTC-II, Poonamallee in LAOP Nos.323 of 2008, 324 to 330/2008, 338, 340 to 343, 348, 351, 374, 425, 426/08 respectively dated 30.07.2011.

For Appellant : Mr.P.Gunasekaran,
in all appeals Additional Government Pleader (AS)

For Respondent-1: Mr.R.Subramanian
in all appeals

For Respondent-2: Mr.C.Johnson
in all appeals

COMMON JUDGMENT
(Made by V.RAMASUBRAMANIAN,J)

These appeals are filed by the Special Tahsildar, Land Acquisition, under Section 54 of the Land Acquisition Act, 1894, questioning the correctness of the awards passed by the Land Acquisition Tribunal, enhancing the quantum of compensation payable for the lands acquired.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant and Mr.R.Subramanian, learned counsel appearing for the respondents/land owners and Mr.C.Johnson, learned counsel appearing for CMDA.

3. By a Notification dated 18.05.2005, issued under Section 4(1) of the Land Acquisition Act, 1894, the land of an extent of about 4.80.0 Hectares or 11.85 Acres was sought to be acquired for the purpose of formation of Outer Ring Road connecting the Grand Southern Trunk Road (GST) and Grand Northern Trunk Road (GNT) from Vandalur to Minjur. After enquiry, the Land Acquisition Officer passed an award in Award No.1/2008 dated 30.10.2007 fixing the compensation payable at Rs.600/- per cent. The land owners sought references under Section 18 of the Act.

4. References were taken up in L.A.O.P.Nos.323, 324, 325, 326, 327, 328, 330, 338, 340, 341, 342, 343, 348, 351, 374, 425 and 426 of 2008 by the Sub-Court, Poonamallee. By a common judgment dated 30.7.2011, the Tribunal enhanced the compensation to Rs.19,000/- per cent. Therefore, the Special Tahsildar has come up with the above appeals.

5. The Land Acquisition Officer took note of the fact that about 477 sale transactions had taken place during the period of three years preceding the date of the notification under Section 4(1) of the Act. The Land Acquisition Officer rejected as many as 301 out of those 477 transactions on the ground that they related to house sites. 48 transactions were rejected on the same ground and 28 sale transactions were rejected on the ground that they are similar to data sale. Eventually, the Land Acquisition Officer took note of the sale transaction at serial number 165 of the data sales, which indicated a rate of Rs.600/- per cent.

6. Before the Land Acquisition Tribunal, the claimants examined one person as C.W.1 and filed three documents as Exx.C-1 to C-3. Ex.C-1 was a sketch of the Outer Ring Road, for the formation of which the lands were acquired. Ex.C-2 was a sale deed Document No.2732/2005 dated 01.06.2005.

7. Under Ex.C-2, the lands comprised in S.Nos.601/1B1 and 601/2A had been sold at a rate of Rs.19,665/- per cent. Therefore, the Land Acquisition Tribunal fixed the compensation at Rs.19,000/- per cent.

8. The grievance of the appellant before us is that the total extent of land covered by Ex.C-2 sale deed was only 700 sq. ft. and 1320 sq. ft. Therefore, it is the contention of the learned Additional Government Pleader that the sale deeds relating to small extents of land cannot be taken into account.

9. In normal circumstances, what is contended by the learned Additional Government Pleader could have been accepted by us. But in the appeals on hand, the very lands acquired from the respondents were all small extents.

10. The question as to whether the sale transactions relating to lands of smaller extent can be taken into account or not became a vexed question that comes up again and again before Courts. It is true that in Land Acquisition Officer Vs. Sreelatha Bhoopal [(1997) 9 SCC 628], the Supreme Court held that while determining the market value of large extent of land, it is improper to place reliance upon sale deeds relating to small pieces of land. Even in The Executive Officer v. Chandra Bisori [2000 (2) CTC 555], it was held that the adoption of the sale value of small pieces of land was impermissible.

11. However, in *Trishalal Jain v. State of Uttaranchal* [(2011) 6 SCC 47], the Supreme Court held that the value indicated in the sale deeds relating to small pieces of land can also be taken into consideration for determining the value of a large tract of land. However, the said opinion was coupled with a rider that while taking such transactions into account, the Court has to make a reasonable deduction keeping in view the other attendant circumstances. The view taken in *Trishalal Jain* was also followed in *Mehrawal Khewaji Trust v. State of Punjab* [2012 4 LW 109].

12. In the case on hand, the lands acquired are not claimed to be agricultural lands. They were actually urban lands. The very Master Plan prepared for Chennai Metropolitan area suggested the formation of three types of Ring Roads so that an orbital movement is created for transportation. The lands were actually well developed and had already become house sites.

13. In order to highlight that the lands acquired from the respondents were too small extents, we give below, the extent of land acquired from each of the respondents in a tabular form.

A.S.No.	LAOP No.	Extent of land
99/13	323/08	0.09
100/13	324/08	0.19
101/13	325/08	0.05
102/13	326/08	0.01
103/13	327/08	1.37
104/13	328/08	0.58
105/13	330/08	0.69
106/13	338/08	0.15
107/13	340/08	0.58
108/13	341/08	0.06
109/13	342/08	0.03
110/13	343/08	0.21
111/13	348/08	0.06
112/13	351/08	1.84
113/13	374/08	0.51
114/13	425/08	0.38
115/13	426/08	1.24

14. In view of the above, the contention of the learned Additional Government Pleader that Ex.C-2 ought not to have taken note of, cannot be accepted.

15. As stated earlier, the locational advantage of the land had been spoken to even by P.W.1. In paragraph 10 of its judgment, the Tribunal had recorded that all the lands in the area had already been developed into house sites and that even constructions have come up after obtaining necessary approval from the Chennai Metropolitan Development Authority. Therefore, the Tribunal was right in taking note of Ex.C-2 for refusing to allow any reduction.

16. In view of the above, we find no justification to interfere with the awards of the Tribunal. Therefore, the appeals are dismissed. There will be no order as to costs. The Government Pleader will be entitled to separate fees.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gr/kpl
To

- 1.The Special Tahsildar, Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 600 008.
3. The Additional District Court,
FTC III, Poonamallee, Tiruvallur.
4. The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.R. Subramanian, Advocate, S.R.No.41136
+1cc to Mr.C. Johnson, Advocate, S.R.No.41075
+1cc to the Government Pleader, S.R.No.40933

PUR(CO)
EU(1/08/2016)

A.S.Nos.99 to 115 of 2013