THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.7.2015

CORAM

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

A.S.Nos.941 to 956 of 2012, 108 to 146 of 2014 & 359 of 2015
&
Cros.Obj.Nos.10 to 47 of 2015

The Special Tahsildar
Land Acquisition
MRL Aromatic Project
Jeens Road, Saidapet
Chennai 600 015. ..Appellant/Referring Officer (in all AS and R1 in all cross objection

Vs.

1.Kumuthvalli
2.Yuvaraj
3.Balaji ... Respondents/Claimants R1 to R3 -in AS 941 & 954 of 2012

4.MallikaJothi kumar ... R4 in AS.No.941/12,942,944, 945,946,954 and 956/12
... R3 in AS.No.943/12 & 955/12

1.Ramesh (Minor)
2.Mahesh (Minor)
(R1 & R2 Minors rep by their Mother & Guardian R3)
3.Selvamani ... R1 to R3 in AS.No.942/12 & 956/12

1.Yathukulakumaran
2.Andalammal ... R1 and R2 in A.S.No.943/12

1.Anbukannan (Minor)
2.Vijayashankar(Minor)
(R1 & R2 Minors rep. by their Mother & Guardian R3)
3.Loganayaki ... R1 to R3 in A.S 944/12, 945 & 946/12

Chakkarapani	... R1 in AS.No.947/12
Elumalai	... R1 in A.S.949/12
Rukumaniammal	... R1 in A.S No.948/12
1.Kanthammal 2.Minnala 3.Lakshmi 4.Annakki	... R1 to 4 in A.S.No.950/12
Lakshmi	... R1 in A.S.951 of 2012
1.Munirathnam 2.Sivalingam 3.Ekambaram 4.Selvam	... R1 to R4 in A.S.No.952/12
1.Murugan(Minor) 2.Selvanayaki (Guardian for R1)	... R1 & R2 in A.S.No.953/12
1.Kumuthavalli 2.Yuvaraj 3.Balaji	... R1 to R3 in A.S.954/12
1.Kumthavalli 2.Selvamani	... R1 & R2 in A.S.955/12
The Managing Director SPIC Petro Chemical Ltd., Guindy, Chennai-32.	...Respondent/Beneficiary ...R5 in A.S.941,942, 944/12 ...R2 in A.S.948/12 ...R3 in A.S.947/12,949 & 951/12 ...R4 in A.S.943/12, 953 & 955/12 ...R5 in A.S.954/12 & 956/12 ...R6 in A.S.945/12,946/12,950 & 952/12
The Executive Officer, Kailasanathar Kovil, HR & CE Department, Madhavaram, Chennai.	...R5 in A.S.No.945/12
The Secretary, Saidapet Primary Co-Operative Bank (Land), Saidapet, Chennai-15	...R5 in A.S.946/12

The Company Secretary
M.R.L. (CPCL)
Teynampet, Chennai-18 ..R2 in AS.947/12, 949, 951
..R3 in AS.953/12
..R5 in AS.950 & 952/12

1. Bakthavatchalam
2. Venugopal
3. Bathrachalam ..R1 to R3-AS.108/14 &
A1 to A5-Cross Objn.10/15

The Spic Petrochemicals
Guindy, Chennai-32 ..R4-in AS.108/14, 112,

..R2-in AS.111,115,116,118,
120, 133, 134, 135, 136,
138, 142, 143, 144, and 146/14

..R5 AS.113/14, 114, 119
and 122/14
..R6 AS.141/14
..R7 in AS.121/14
..R9 in AS.137/14, 145/14
..R12 in AS.128/14
..R3 in AS.139/14 and 359/15

R2 in cross objn.10/15, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 30, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45 47, and 46/15

Advisor,
Arochem, Mount Road,
Guindy, Chennai -32 ..R2 in AS.109/14, 117, 123, 126,
127, 129, 130, 131

..R2 in Cros.Obj.Nos.11/15, 12, 19, 25, 26,
27, 28, 29, 31, 32, 33, 41

..R3-AS.115, 116/14, 125/14, 132, 140
..R3-in Cros.Obj.Nos.17/15, 18, 30, 42
..R4-in AS.110/14 & 124/14 and 359/15
..R7-in AS.141/14
..R13-in AS.128/14

1. R.Parthasarathy .. R1 - AS 117/14 & Cross Objector
in Cross Objection 19/15.

Minor Murugan
Guardian Selvanayaki
W/o. Varadhan (late) .. R1 - AS 118/14 & A1 Cross
Objector in Cross Objection 20/15.

(Late) Krishnammal
1. Sivagami
2. Vasantha
3. Jaya
4. Shanthi .. R1 to R4 - A4 119/14 & Cross Cross Objectors R1 to 4 in Objection 21/15

Lalitha .. R1 - AS 120/14 & Cross Objector in Cross Objection 22/15.

(Lae) Kannaiyya
1. Rangan
2. Chittibabu
3. Thamotharan
4. Shanthi
5. Kuppammal
6. Govindasamy .. R1 to R6 AS 121/14 & Cross Objectors 1 to 6 in Cross Objection 23/15.

1. Thanigachalam
2. Mohanasndaram
3. Eswaramurthy
4. Deenan .. R1 to R4 - AS 122/14 & Cross Objectors 1 to 4 in Cross Objection 24/15

Elumalai .. R1 - AS 123/14 & Cross Objector in Cross Objection 25/15.

Raman .. R1 in AS 109/14 & Cross Objector in Cross Objection 11/2015

1. Sethu
2. Sigamani
3. Jagatha .. R1 to R3 in AS 110/2014 & Cross Objector 1 to 3 in Cross Objection 12/15.

Saroja .. R1 in AS 111/14 & (A1) Cross Objector in Cross Objection in 13/15 .

1. T.Selvam
2. Sethu
3. Sivagami .. R1 to R3 in AS 112/14 & Cross Objectors 1 to 3 in Cross Objection 14/15.

1. Kannappan
2. Annamalai
3. Sivananthan
4. Manogar .. R1 to R4 - AS 113/14 & Cross Objectors 1 to 4 in Cross Objection 15/15.

1. Thanigachalam
2. Mohana Sundaram
3. S.Deenan
4. Eswaramurthy .. R1 to R4 AS 114/14 & Cross Objectors 1 to 4 in Cross Objection 16/15.

(Late Madhavan)
Amirthammal
W/o. Madavan .. R1 - AS 115/14 & Cross Objector in Cross Objection 17/15.

B.Ramanathan .. R1 - AS 116/14 & Cross Objector in Cross Objection 18/15.

1. Bakthavachalam
2. Bathrachalam
3. Venugopal .. R1 to R3 - AS 124/14 & Cross Objectors 1 to 3 in Cross Objection 26/15.

1. Jayapal
2. Paranthaman .. R1 & R2 - AS 125/14 & Cross Objectors 1&2 in Cross Objection 27/15.

Rajendiran .. R1 - AS 126/14 & Cross Objector in Cross Objection 28/15.

Minor Murugan
Guardian Selvanayaki
W/o. Varadhan .. R1 - AS 127/14 & Cross Objector in Cross Objection 29/15.

1. Deenan
2. Dharani
3. Shankar
4. Shanmugam
5. Eswaramurthy
6. Thanigachalam
7. Kalyana Sundaram
8. Mohanasundaram
9. Krishnakumar

10. Vasanthakumar
11. Jayakumar .. R1 to R11 - AS 128/2014 & Cross Objectors 1 to 11 in Cross Objection 30/15.

Saroja .. R1 - AS 129/14 & Cross Objector in Cross Objection 31/15.

Chandiran .. R1 - AS 13-14 & Cross Objector in Cross Objection 32/15.

P.Ramanathan .. R1 - AS 131/14 & Cross Objector in Cross Objection 33/15.

1. Jayapal
2. Pranthaman .. R1 & R2 - AS 132/14 & (No Cross Objection)

Govindammal (deceased)
C.Rajeswari .. R1 - A3 133/14 & Cross Objector in Cross Objection 34/15.

Sakunthala .. R1 - AS 134/14 & Cross Objector in Cross Objection 35/15.

Ragu .. R1 - AS 135/14 & Cross Objector in Cross Objection 36/15.

Chandrababu .. R1 - AS 136/14 & Cross Objector in Cross Objection 37/15.

(Late) Parthasarathy
1. Ponnammal
2. Narayanan
3. Raghunathan
4. Sasikala
5. Ramanathan
6. Mohan
7. Selvam
8. Varalakshmi .. R1 to R8 - AS 137/14 in Cross Objectors 1 to 8 in Cross Objection 38/15

Saradambal ...R1 -A.S.138/14 & Cross objector in Cross objection 39/15

1. Yasotha
2. Dayalan ...R1&2 -A.S.139/14 & Cross objector in Cross objection 40/15

1. Murugesan
2. Kumar ...R1&2 -A.S.140/14 & Cross objectors in Cross objection 41/15

1. Eswaramurthy
2. Deenan
3. Thanigachalam
4. Shanmuga Chettiyar
5. Mohanasundaram ..R1 to 5-A.S.41/14 & Cross objectors in Cross objection 42/15

J. Raman ...R1 -A.S.142/14 & Cross objector in Cross objection 43/15

Venkatesan ...R1 -A.S.143/14 & Cross objector in Cross objection 44/15

(Late) Govindammal
Rajeswari ...R1 -A.S.144/14 & Cross objector in Cross objection 45/15

1. Durai Babu
2. Venkatesan
3. Dayalan
4. Munusamy
5. Yasotha
6. Sakkubai
7. Vasantha
8. Kasthuri ..R1 to R8 -A.S.145/14 & Cross objector in Cross objection 47/15

Chandirababu ..R1 -A.S.146/14 & Cross objector in Cross objection 46/15

1. Selvam
2. Ramesh ..R1 & R2 in A.S.359 of 2015

Appeal under Section 54 of the Land Acquisition Act against the decree dated 30.6.201 made in L.A.O.P.Nos.36 of 1998, 37, 38, 39, 40, 41, 1662, 1663, 1664, 1666, 1667, 1669, 1686 of 1998 31,32 and 33 of 1999 respectively (in A.S.Nos.941 to 956 of 2012) and LAOP.Nos.70 of 1998, 69, 73, 266, 285, 294, 295, 296, 297, 298, 299 , 300, 428, 429, 449, 1665, 1668, 1678, 1689, 1690, 71, 72, 76, 81, 260, 261, 262, 263, 264, 265, 267, 286, 287, 288, 289, 290, 291, 293 and 462 of 1998 respectively dated 2.7.2013 in A.S.108 to 146 of 2014 and Cross objection Nos.10 to 47 of 2015) and LAOP.No.74 of 1998 in A.S.No.359 of 2015 dated 2.7.2013 on the file of Sub Court, Ponneri.

Mr.P. Gunasekaran
AGP (AS) :in all AS and R1 in Cross objection Nos.10 to 47 of 2015

Mr.K. Venkatasubburaju :for Claimants in all AS

Mr.R. Senthilkumar :for Respondents R2 in A.S.947/2012, in AS.949/12 and 951/2012
R3 in A.S.953/2012
R5 in A.S.950/2012, 952/2012

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

While the appeals are by the Special Tahsildar (Land Acquisition) under Section 54 of the Land Acquisition Act, the Cross Objections are by the land owners.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader appearing for the appellant and Mr.K.Venkatasubbaraju, learned counsel appearing for the claimants.

3. By a notification dated 04.02.1990 issued under Section 4 (1) of the Land Acquisition Act, 1894, a vast extent of land in various villages, namely Kosappur, Manali, Mathur, Vaikkadu, Amullavoyal and Elanthancheri were all acquired partly for the purpose of establishing an aromatic complex. By five different awards bearing Nos.2 of 1992, 3 of 1992, 4 of 1992, 3 of 1993 and 9 of 1993, passed on various dates during the period October 1992 to February, 1993, the Land Acquisition Officer fixed the compensation at Rs.180/- per cent. Not satisfied with such fixation, the land owners sought reference under Section 18.

4. By a common judgment rendered on 30.6.2011 in a batch of about 16 references in LAOP Nos.36 to 41 of 1998, 1662 to 1664 of 1998, 1666 of 1998, 1667 of 1998, 1669 of 1998, 1686 of 1998 and 31 to 33 of 1999, the Land Acquisition Tribunal fixed the compensation payable at Rs.3,500/- per cent. As against this common judgment passed in 16 references, the Special Tahsildar (Land Acquisition) has come up with 16 appeals in A.S.Nos.941 to 956 of 2012.

5. Similarly, in yet another batch of 40 references in LAOP Nos.69 to 74 of 1998, 76 of 1998, 81 of 1998, 260 to 267of 1998, 285 to 291 of 1998, 293 to 300 of 1998, 428 of 1998, 429 of 1998, 449 of 1998, 462 of 1998, 1665 of 1998, 1668 of 1998, 1678 of 1998, 1689 of 1998 and 1690 of 1998, the Land Acquisition Tribunal passed another award dated 02.7.2013, fixing the market

rate of land at Rs.2,000/- per cent. As against the said award in the batch of 40 references, the Special Tahsildar (Land Acquisition) has come up with 40 different appeals. Out of them, one appeal was returned by the Registry due to certain difficulties. Therefore, the remaining 39 appeals got numbered as A.S.Nos.108 to 146 of 2014. The appeal which was not numbered, but returned, was lost in the Registry. Therefore, we ordered the same to be re-constructed and directed the office to number it. The said appeal is numbered as A.S.No.359 of 2015.

6. Since in respect of the very same matter, the Land Acquisition Tribunal fixed the compensation at Rs.3,500/- per cent in a batch of 16 references by its award dated 30.6.2011 and since the very same Tribunal has fixed the market rate as Rs.2,000/- per cent in the next batch of 40 references by the judgment dated 02.7.2013, the land owners have come up with Cross Objections. Since there are 40 appeals, there must be logically 40 cross objections. But, there are only 38 cross objections in Cros.Obj.Nos.10 to 47 of 2015. This is due to the fact that one of those 40 appeals got numbered now. Insofar as one more case is concerned, the land owner is the same. Therefore, in respect of filing two cross objections, he has filed one cross objection.

7. As a result, there are about 56 appeals and 38 cross objections on hand.

8. At the outset, it should be pointed out that the lands that form the subject matter of these proceedings are located only in one village, namely Kosappur Village. This Kosappur village is located near Manali, where there is a township developed by Chennai Petrochemical Corporation Limited. There is also Manali Refineries Limited. The Tamil Nadu Industrial Development Corporation had developed an industrial complex and the Electricity Board also has its location. But, unfortunately, one Sub Court, by a judgment dated 30.6.2011, fixed the compensation at Rs.3,500/- per cent. Another Presiding Officer of the very same Sub Court had fixed the compensation only at Rs.2,000/- per cent in a subsequent award dated 02.7.2013. Keeping these aspects in mind, we shall now get into more details.

9. The Land Acquisition Officer considered 42 sales. Out of those 42 sales considered by him as data sales, only 5 related to cultivable lands. The other sales related to the sale of house sites. As a matter of fact, one of those 42 sales related to the very land in acquisition. The sale under the said data sale was in respect of a land of an extent of acres 2.63, sold for a consideration of Rs.47,340/-, by a document No.3782 dated 14.8.1989. Therefore, the Land Acquisition Officer took the market value as Rs.180/- per cent, as per this data sale deed.

10. Before the Land Acquisition Tribunal, in the batch of 16 references in LAOP Nos.36 of 1998 batch, the land owners examined 3 witnesses in common as CW1 to CW3, though marked 11 documents as Exx.C1 to C11. The Special Tahsildar was examined as RW1. But, no documents were marked on their side.

11. In the next batch of 40 references that were taken up by the Land Acquisition Tribunal in the year 2013 in LAOP Nos.70 of 1998 batch of cases, the land owners examined one witness on their side as CW1 and filed 12 documents as Exx.C1 to C12. The Special Tahsildar was examined as RW1, but no document was marked.

12. As a matter of fact, one sale deed document bearing No.1779 of 1990 was marked as Ex.C3 in the first batch of 16 references and was marked as Ex.C3 in the next batch of 40 references also. Similarly, another sale deed document bearing No.1120 of 1990 was marked as Ex.C4 in both batches of references. A sale deed document bearing No.9272 of 2007 was filed as Ex.C6 in both the batches of references. Another sale deed document No.2451 of 2008 was filed as Ex.C7 in both references. But all the documents such as Exx.C5 to C8 in the first batch of references and Exx.C5 to C8 in the next batch of references were all documents of the year 2007 and 2008 and they do not deserve any consideration.

13. Keeping the above in mind, if we have a look at the sketch produced before us by the learned Additional Government Pleader, it is seen that in the first instance, the Land Acquisition Officer committed a mistake in discarding all sale deeds that related to house sites. After taking note of the 42 data sales, the Land Acquisition Officer confined his discussion only to 5 out of them on the ground that they related to cultivable lands.

14. The very fact that 37 out of 42 data sales related to house sites and the very fact that lot of industries were located in the area and townships had come up, indicated clearly that the transactions in the lands had taken place only for the purpose of construction of house sites. As a matter of fact, in the first batch of 16 references, the number of land owners involved was 50. In the next batch of 40 references, the number of land owners involved was 40. Therefore, it was quite obvious that small extents of land purchased by these land owners for having their own houses have been acquired for the purpose of industrial development. Hence, the Land Acquisition Officer was completely in error in discarding 37 out of 42 sales which related to house sites and going by one sale deed that related to a cultivable land.

15. Coming to the awards passed by the Land Acquisition Tribunal, it is seen from the award passed in the first batch of references dated 30.6.2011, that even under the sale deeds Exx.C2 and C3, house sites had been sold for a consideration that worked out to Rs.2,183/- per cent. The Tribunal that decided the first batch of references also took note of one important fact, namely that in LAOP No.32 of 1999, the value of the land had been fixed in favour of the owner by name Kumudhavalli at Rs.2000/- to Rs.3,000/- per cent in an award passed on 16.3.1993. Therefore, the Tribunal fixed the market rate of Rs.3,500/- per cent.

16. But, in the next batch of about 40 references, the Tribunal went solely on the basis of Exx.C2 and C3 as well as on the basis of the data sales and came to the conclusion that Rs.2,000/- per cent was fair and proper.

17. In fact, the Tribunal has recorded a finding in the second batch of 40 references that the market rate of land as on the date of notification under Section 4(1) had ranged between Rs.2,500/- to Rs.6,000/- per cent. Once the Tribunal had found that the market rate ranged from Rs.2,500/- to Rs.6,000/- per cent and once it was found that in a reference relating to the very same lands, the very same Sub Court had fixed the market rate at Rs.3,500/- per cent by its award dated 30.6.2011, the Tribunal could not have reduced the amount to Rs.2,000/- per cent.

18. As we have indicated earlier, the acquisition was for the purpose of setting up an aromatic complex and other petro based down stream projects. Huge extent of lands were acquired from about five villages. These five villages were located in and around Manali. Manali had already developed into a township with huge industries, such as Chennai Petrochemical Corporation Limited, SPIC, etc. Since industries employing thousands of workers had come up there, residential townships had also been built around the same. This is the reason why the respondents/claimants in these cases had purchased small extents of land for the purpose of building their own houses. The areas, covered by the acquisition proceedings, were part of the urban conglomeration of the city of Chennai. Therefore, the fixation of Rs.3,500/- per cent which will work out to Rs.17,500/- per plot of land measuring about 2400 sq.ft. cannot be said to be of a higher order. As a matter of fact, no house site of the extent of about 2400 sq.ft. can today be purchased for a sum of Rs.17,500/- per ground. Therefore, we are of the considered view that the appeals filed against the first batch of 16 references, are completely devoid of merits. If those appeals are devoid of merits, we need not talk about the next batch of 40 appeals, where the Special Tahsildar has come up with appeals even against the fixation of Rs.2,000/- per cent. The land owners

have rightly come up with Cross Objections seeking enhancement of compensation at least on par with the judgment in the first batch of references. Therefore, in the result

(i) A.S.Nos.941 to 946 of 2012 are dismissed;

(ii) A.S.Nos.108 to 146 of 2014 and A.S.No.359 of 2015 are dismissed;

(iii) Cross Objection Nos.10 to 47 of 2014 are allowed, enhancing the compensation to Rs.3,500/- per cent, as ordered in the other cases. The claimants are entitled to usual rate of interest, solatium as well as interest on solatium;

(iv) In A.S.No.359 of 2015, though the stage of filing a cross objection has not yet arisen, we order that the respondents/claimants in this appeal are also entitled to the same enhancement, in exercise of the power available under Order XLI, Rule 33, CPC; and

(v) There will be no order as to costs. Consequently, connected MPs are closed.

The Additional Government Pleader is entitled to separate fees in respect of each of these appeals.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kpl
To
The Subordinate Judge, Ponneri.

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

+ 2 ccs to the Government Pleader Sr.34221 & 34322)
+ 2 ccs to Mr.K. Venkatasubbu Raju, Advocate Sr.34435, 34415
+ 1 cc to Mr.R. Senthilkumar, Advocate Sr.34616

A.S.Nos.941 to 956 of 2012,
108 to 146 of 2014 & 359 of 2015 &
Cros. Obj.Nos.10 to 47 of 2015

JSV(CO)
EU, SRG, KRA, KK dt.04.05.16