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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.7.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

A.S.Nos.59 to 63 of 2006
and
all connected pending CMPs

The Land Acquisition Officer and Special
Tahsildar (LA), Metro Water Scheme,
Sriperumbudur

...Appellant/Referring Officer
in all the appeals

Vs

1.Jagan Mohan Rao	...R1/Claimant in AS.59/2006
2.Naunaka Narender	
3.U.Santhakumari	
4.U.Karunasesh	...R1 to R3/Claimants in AS.60/2006
5.S.Karunasesh	...R1/Claimant in AS.61/2006
6.Santhakumari	...R1/Claimant in AS.62/2006
7.Ramamoorthy	...R1/Claimant in AS.63/2006
8.The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2.	...R2/Respondent in AS.Nos. 59, 61, 62 & 63/2006 & R4 in AS.No.60/ 2006

APPEALS under Section 54 of the Land Acquisition Act against the common order dated 10.9.2003 made respectively in L.A.O.P.Nos.118 of 1994, 75, 74, 76 of 1996 and 119 of 1994 on the file of the Additional District Court (Fast Track Court No.4), Poonamallee.



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For Appellant
in all appeals : Mr.P.Gunasekaran, AGP (AS)

For R1 in
A.S.No.59 of 2006 : Mr.R.Subramanian

For R1
in A.S.No.60 of 2006 : Mr.D.Rajasekaran

For R2 & R3 in
A.S.No.60 of 2006

R1 in both A.S.Nos.
61 & 62 of 2006 : Mr.R.C.Paul Kanagaraj for
Mr.G.Elangovan

For R1 & R2 in
A.S.No.63 of 2006 : No appearance

For Board : No appearance

COMMON JUDGMENT

(Judgment was delivered 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 enhancement of compensation awarded by the Land Acquisition Tribunal, Poonamallee.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader for the appellant and Mr.R.Subramaniam, Mr.R.C.Paul Kanagaraj learned counsel representing Mr.G.Elangovan and Mr.D.Rajasekaran, learned counsel appearing for the claimants.

3. The land of an extent of 1.23.5 hectares located in Nazarathpet Villate, Sriperumbudur Taluk, within the Poonamallee Registration District, was sought to be acquired by the Government of Tamil Nadu vide Notification dated 12.7.1989 issued under Section 4 (1) of the Land Acquisition Act, 1894. By an award bearing No.6 of 1992 passed on 23.7.1992, the Land Acquisition Officer fixed the compensation payable at Rs.300/- per cent. Not satisfied with the fixation of compensation, the land owners sought a reference.



4. The references made by the Tahsildar under Section 18 of the Act were taken up by the Fast Track Court, Poonamallee (Land Acquisition Tribunal) in L.A.O.P.Nos.74 to 76 of 1996 and 118 and 119 of 1994. After trial, the Tribunal enhanced the compensation to Rs.10,700/- per cent. Aggrieved by the said order, the Special Tahsildar has come up with the above appeals.

5. It is seen from the common award passed by the Land Acquisition Officer that the Land Acquisition Officer took note of the fact that 80 sale transactions had taken place in the area during the period from 2.8.1986 to 1.8.1989. Out of these data sales, the Land Acquisition Officer rejected item Nos.1 to 17, 21 to 30, 31 to 38, 41 to 47, 50 to 62, 64 to 72 and 74 to 80 on the ground that those sale transactions related to house sites. The transactions at S.Nos.18, 39 49 and 63 were rejected on the ground that they were located at far off places. The transaction at S.No.40 was rejected on the ground that the land was lying at a distant place and was sold for a higher value. The sale transactions at S.Nos.48 and 73 were rejected on the ground that they related to chery natham and were house sites. Eventually, the Land Acquisition Officer took note of only the sale transactions found at S.Nos.19 and 20. Under these sale transactions, the land of an extent of 1 acre and 25 cents were sold at Rs.30,000/- per acre. The sale deed was dated 15.8.1987. Therefore, on the basis of the data sales at S.Nos.19 and 20, the Land Acquisition Officer fixed the compensation at Rs.300/- per cent.

6. Before the Land Acquisition Tribunal, the land owners examined one of them as C.W.1. Three sale deeds were marked as Ex.C.1 to Ex.C.3. The Special Tahsildar examined herself as R.W.1 and filed a copy of the award bearing No.6/92 dated 23.7.1992 as Ex.R.1. Taking into account the sale deeds filed on the side of the claimants as Ex.C.1 to Ex.C.3, the Land Acquisition Tribunal came to the conclusion that the fixation of market value at Rs.10,700/- per cent would be just and proper. Therefore, aggrieved by such a fixation, the Special Tahsildar is before this Court.

7. The primary contention of the appellant is that Ex.C.1 to Ex.C.3 related to sale of lands of very small extents and that therefore, the same could not form the basis for fixation of market value of the acquired land. It is contended by the learned Additional Government Pleader with force that the Land Acquisition Tribunal erred in rejecting the data sales at S.Nos.19 and 20 and in going by Ex.C.1 to Ex.C.3.

8. We have carefully considered the contentions of the learned Additional Government Pleader and the grounds of appeals.

9. Before proceeding to consider the objections of the learned Additional Government Pleader, it must be pointed out that the land in question was acquired for the purpose of setting up a pumping



station for the Chennai Metropolitan Water Supply and Sewerage Board. The land that was acquired is located exactly at National Highway No.4, which goes from Chennai to Bangalore. The location of the land is immediately after Poonamallee, which is on the suburbs of the city. From Poonamallee, the main road as well as the by-pass to the National Highway converges on the point at which, the land acquired is located. The places actually located at about 24 Km from 0 point in the city of Chennai.

10. Keeping the above in mind, if we have a look at the award of the Land Acquisition Officer, it is seen that most of the sale transactions out of 80 data sales have been rejected by him, for wrong reasons. The area in question had already developed fully, with lot of buildings on both sides of the road coming up. There are engineering colleges located on the opposite side namely on the southern side whereas the land in question is located on the northern side. Hence, the rejection by the Tribunal of the reason adopted by the Land Acquisition Officer appears to be fair and proper.

11. Coming to the three sale deeds marked as Ex.C.1 to Ex.C.3 before the Land Acquisition Tribunal, it is seen that Ex.C.1 is a sale deed dated 21.8.1987 whereby the land of an extent of about 337 sq.ft was sold for Rs.13,589/-. Therefore, the market value worked out to Rs.9,800/- per cent. In so far as Ex.C2 is concerned, it is a sale deed dated 25.11.1987 whereby the land of an extent of about 337 sq.ft. was sold for a sum of Rs.8,300/-. In Ex.C.3 sale deed dated 7.11.1988, the lands of an extent of 770 sq.ft were sold for Rs.6,000/-. Therefore, the Tribunal found that all these sale transactions, which had taken place at least 12 to 18 months before the date of the Notification under Section 4(1), had taken the market value as ranging between Rs.9,800/- to Rs.13,000/- per cent. Consequently, the Tribunal took an average and fixed the compensation at Rs.10,700/- per cent.

12. It is true that while acquiring agricultural lands of a large extent, the sale transactions relating to small house sites cannot form the basis. But, such a logic would apply to cases where the entire area, where the land is acquired, continues to be undeveloped and continues to be agricultural land or dry land. Where the process of urbanisation has taken place rapidly, the value of the land cannot be fixed on the basis as though they are agricultural lands.

13. In the cross examination, the Special Tahsildar had admitted that the land was located in a National Highway from Chennai to Bangalore; that the land was located immediately after the



Poonamallee junction; that several metropolitan buses go to the said area; that there are cinema theatres, markets and factories in the nearby areas; and that therefore, the area was fully developed. As a matter of fact, upto Poonamallee, the land had already come under urban agglomeration of the metropolitan city of Chennai. There are also several engineering colleges as well as a medical college and university known as Saveetha University in the nearby vicinity. Therefore, the fixation of compensation by the Tribunal at Rs.10,700/- per cent, which works out only to Rs.10,00,000/- per acre cannot be said to be very high. Hence, we find no justification to interfere with the award of the Tribunal.

14. Accordingly, all these appears are dismissed. No costs. Consequently, all connected pending CMPs are also dismissed. The learned Additional Government Pleader (AS) will be entitled to separate fees.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

RS

To

The Additional District Judge,
Fast Track Court No.IV, Poonamallee.

Copy to
The Section Officer,
V.R.Section,
High Court, Madras.

3 CCs to Mr.G.Ilangovan, Advocate SR.No. 35551 to 35553

1 CC to Mr.R.Subramanian, Advocate SR.No. 35531

1 CC to the Government Pleader, SR.No. 35417

AS.Nos.59 to 63 of 2006 &
all connected pending CMPs

JSV (CO)
PSI (14.08.2015)