

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

A.S. No. 353 of 2016

The Land Acquisition Officer,
Special Tahsildar,
Adi Dravidar Welfare,
Coimbatore.

..Appellant/Referring Officer

Vs.

1. Thiru. Ponmalai Kumar

Thiru. Santhanagopalakrishnan (Died),

2. Tmt. Amminieswari ..Respondents/Claimants

Prayer: Appeal filed u/s. 54 of Land Acquisition Act as against the judgment and decree passed in L.A.O.P. No. 432 of 1992 dated 30.09.2011 by the learned I Additional Subordinate Judge, Coimbatore.

For Appellant :: Mr.P. Gunasekaran
Addl. Govt. Pleader

For Respondents:: Mr.C. Veeraraghavan

J U D G M E N T

This appeal has been preferred by the State challenging the fixation of value of the acquired land at Rs. 80,000/- per acre as against Rs.15,000/- per acre fixed by the Land Acquisition Officer.

2. The properties of respondents comprised in S.F Nos.108/3A 108/2A, measuring 2.52 acres and 1.27 acres respectively, located in Thirumalayampalayam Village, Coimbatore, were acquired for the purpose of providing house flats to Adi Dravidars by virtue of 4(1) notification dated 17.07.1989 (wrongly mentioned as 21.06.1989 in the Civil Court judgment) and a sum of Rs.15,000/- per acre was fixed by the Special Tahsildar, Adi Dravidar Welfare, Coimbatore, based on Ex-R2, statistics details of some land sale for the period

01.08.1988 to 31.07.1989, Thirumalayampalayam Village and Ex-R4, sale deed dated 17.02.1989. On reference under Section 18 of Land Acquisition Act, at the instance of the 1st respondent, the Civil Court, relying upon Ex-C4 sale deed dated 18.03.1985, determined the value of the properties at Rs.800/- per cent and Rs.80,000/- per acre. The said enhancement is challenged before this Court by the Government in this appeal.

3. Heard Mr.P.Gunasekaran, learned Additional Government Pleader for the appellant and Mr.C. Veeraraghavan, learned counsel for the respondents.

4. Though the Land Acquisition Officer, relying on Ex-R2 Statistics details and data sale deed Ex-R4, determined the land value at Rs.15,000/- per acre, the Civil Court, rejected Ex-R2, observing that the adopted land is situated well deep in the said locality from the main road whereas the acquired properties are just adjacent to the main road. The said finding of the Civil Court is based on topography and it deserves to be confirmed.

5. Taking into consideration, the 4(1) notification dated 17.07.1989 and also Ex-C4 sale deed, executed about 4 years prior to the date of 4(1) notification, the Civil Court rightly determined the value of the acquired lands. Further, the Civil Court gave reasons that in the vicinity of the acquired properties, Engineering Colleges are located and there are proposals to set up other educational institutions and also that Steel Rolling Mills and Textile Mills are situated near the said lands as shown in Exs-C1 & C2. The Civil Court also found that the acquired lands are situated near the main road and they would fetch more value. Moreover, the claimants contended that the acquired lands are garden land whereas the adopted land is a barren land. Since Ex-C4 was executed 4 years prior to 4(1) notification dated 17.07.1989, the Trial Court was of the view that Ex-C4 is a genuine one and relied upon the said document to determine the value of the acquired lands. In 1985, the property in Ex-C4 was sold for Rs.750/- per cent. Taking into consideration, the lapse of four years, from the date of execution of Ex-C4 sale deed, Rs.50/- was added as increase in price and determined the value at Rs.800/- per cent or Rs.80,000/- per acre. Moreover, the Civil Court found that there is possibility of converting the acquired lands into house sites as the properties were acquired only for the purpose of providing house sites to Adi Dravidars. Hence, the value fixed by the Civil Court at Rs.800/- per cent is very reasonable and the same is confirmed. The first appeal is, therefore, dismissed. No costs.

6. The respondents are entitled to compensation taking Rs.800/- per cent as the value of the acquired properties along with other benefits as granted by the referral Court.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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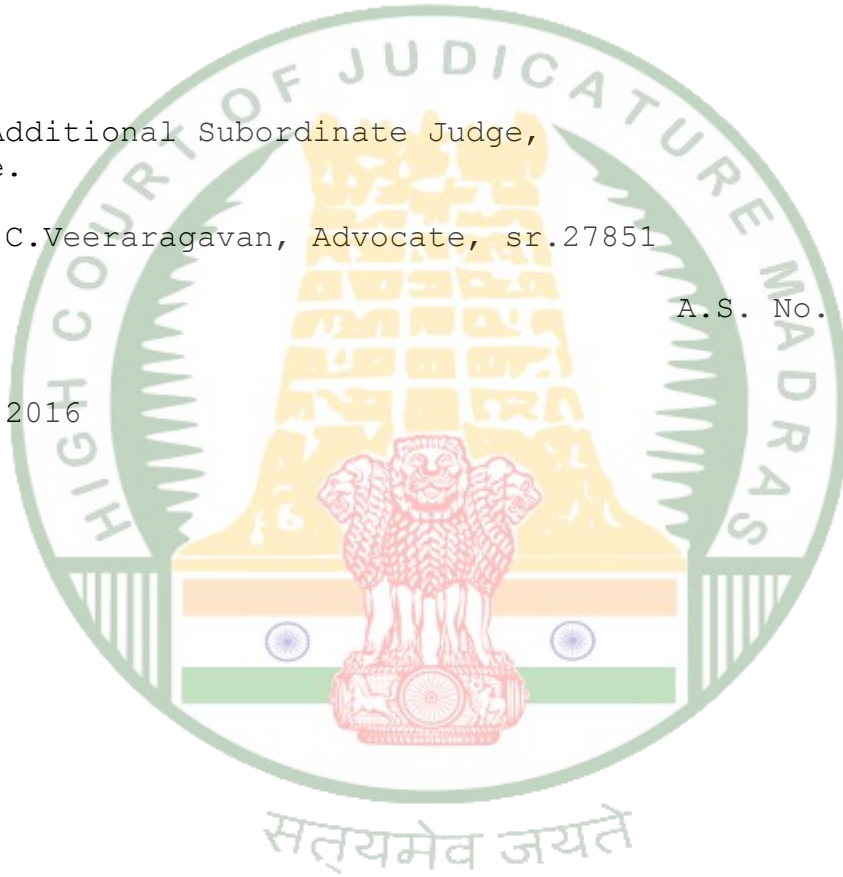
To

1. The I Additional Subordinate Judge,
Coimbatore.

1 cc to M.C.Veeraragavan, Advocate, sr.27851

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kra 09.06.2016



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