

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HON'BLE MR.JUSTICE T. MATHIVANAN

CIVIL REVISION PETITION (NPD) No.3722 of 2011

The Land Acquisition Officer
Special Tahsildar
Adi Dravidar Welfare
Tindivanam.

Vs

: Petitioner/Respondent

Angammal
W/o.Senthamarai
Dadapuram Village
Tindivanam Taluk.

Vs.

: Respondent/Claimant

Prayer : Civil revision petition has filed to set aside the judgement and decree dt:30.06.2009 and made in CMA 22/2001 on the file of the principal sub-ordinate Judge, Tindivanam.

For Petitioner

: Mr.M.Venugopal, AGP (CS)

For Respondent

: No appearance.

ORDER

The judgement and decree dt:30.06.2009 and made in the civil miscellaneous appeal in CMA 22 of 2001 on the file of the learned principal sub-ordinate Judge, Tindivanam are under challenge in this Civil Revision Petition.

2. When the matter came for hearing on 01.11.2016 there was no representation on behalf of the revision petitioner. Despite service of notice on the respondent she had not chosen to appear either in person or through her counsel. Hence the revision petition was

ordered to be listed on the next day i.e on 02.11.2016. However the revision petition stands posted today i.e on 03.11.2016. When the matter is taken up for hearing Mr.M.Venugopal, Assistant Government Pleader (CS) is present. But the respondent has not chosen to appear even today also.

3. After hearing Mr.M.Venugopal learned Assistant Government Pleader (CS) and on perusal of the grounds of revision petition along with the impugned judgement, this court does passeth the following order on merit.

4. In order to provide house sites to the Adi Dravidar people who are residing at Mel Aadhanoor Village, Tindivanam Taluk, Villupuram District, the land measuring 0.80.0 ares comprised in Survey no.87/1B and 87/2B was selected by the Special Tahsildar, Adi Dravidar welfare, Tindivanam.

5. The details of the land is given below :

S.No	Survey No	Classifications of Land	Extent
1	37/1B	Punja	0.15.5 - Ares
2	37/2B	Punja	0.66.5 - Ares
		TOTAL	0.82 - Ares

6. In this connection a report in NA.KA.A/1181/2000 dt:10.07.2000 was sent to the District Collector by the land acquisition Officer after conducting a proper enquiry had acquired the said land for the above purpose and passed an award dt:23.3.2001 under award no.17/2000-2001 and thereby he had awarded a sum of Rs.8722/- towards compensation in respect of the land acquired from the respondent. Since she was not satisfied with the above said compensation she had expressed that the award might be referred to subordinate court so as to enable her to get enhanced compensation. Accordingly the award

was referred to the learned Principal Sub-ordinate Judge, Tindivanam. The principal sub-ordinate Judge had taken the same on his file in CMA No.22/2001.

7. As per the award of the land acquisition Officer the respondent herein is entitled to 0.10.0 ares which is comprised in Survey No.87/1B, after acquiring the land, the Special Tahsildar had determined the value of the above said land at Rs.7584/- solatium at the rate of 15% was determined at Rs.1138/-. The land acquisition Officer had therefore concluded that the respondent/land owner is entitled to get a sum of Rs.8722/-.

8. In the appeal the respondent/land owner had claimed a sum of Rs.3000/- per cent. She had contended that her land is located proximity to the main road and the area in which her land located in a well developed area and no reclamatory work is required. She had contended that the data Sale Deeds selected by the land acquisition Officer for the purpose of determining the value of the acquired land did not resemble or reflect the nature and quality of the acquired land. She had also contended that the sales which took place within 3 years prior to acquisition of land were not collected by the land acquisition officer.

9. RW1 (Tahsildar of Adi Dravidar Welfare, Tindivanam) had fairly admitted in his evidence that at the time of acquisition of land he was not working as the land acquisition officer. He had also stated that he was giving evidence only on the basis of records. He had further admitted that the acquired land is located in the developed area and that all the sales which took place within 3 years prior to the acquisition of land were not taken in to consideration. Further he has also conceded that the acquired land is suitable for dividing as house sites and that it is abutting on the main road.

determined the value of the land at Rs.1500/- per cent and he had concluded that though the respondent/land owner had claimed a sum of Rs.3000/- per cent, she had not chosen to produce an adequate documentary evidences to substantiate her contention. Ultimately the learned Sub-ordinate Judge had determined the value of the land at rs.1500/- per cent.

11. The extent of the land acquired from the respondent/claimant is 25 cents. Therefore the market value of the land comes to Rs.37500/- (i.e Rs.1500 X 25). Already the respondent/claimant had received a sum of Rs.8722/-. After deducting this amount the respondent is entitled to get Rs.28778/- along with 30% solatium.

12. Besides this the learned Sub-ordinate Judge had concluded that the respondent is entitled to get 6% interest for the enhanced compensation from the date of 4(1) notification till the date of taking of possession. Apart from this he had also decided that as per section 23(1-A) of the land acquisition act the respondent/claimant is also entitled to get interest of 12% p.a.. The land acquisition Officer was directed to pay this amount within the period of 3 months.

13. This court on meticulous analysis of the award passed by the sub-ordinate Judge, Tindivanam finds that the award of the referral court does not require the interfere of this court.

14. In this result, this civil revision fails. The special Tahsildar (land acquisition) is directed to deposit the amount within a period of 4 weeks if not deposited earlier. On such deposit being made the respondent /land owner is entitled to withdraw the entire amount

along with the accrued interest there on directly from the referral court. However there

shall be no order as to cost.

03.11.2016

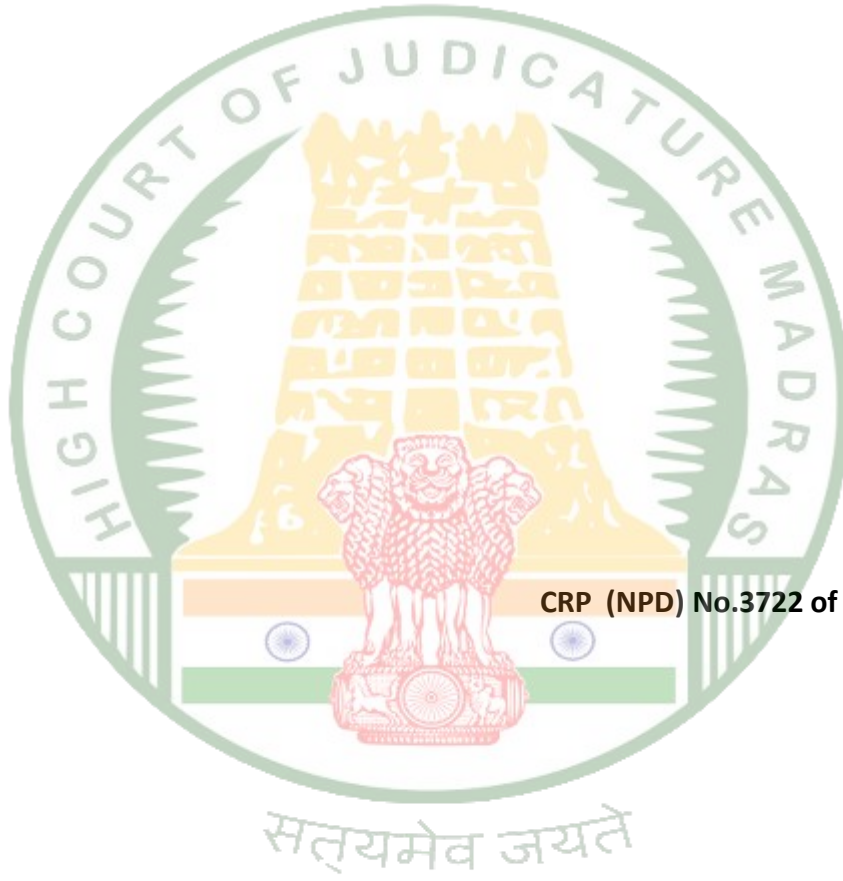
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