IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28-11-2016
CORAM
THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Appeal Suit No.929 of 2010

The Special Tahsildar,
Adi-Dravidar Welfare,
Salem ... Appellant/Respondent

Vs

Jagannathan (Died)
S/o. Palaniappa Gounder (late)

1. Govindarajan
S/o. Subramani

2. Jayamani
W/o.(late) Jayanathan

3. Mohan Kumar
S/o. (late) Jagannathan

4. Sangeetha
W/o.(late) Krishnamoorthy .. Respondents/Petitioner

Prayer:- Appeal suit filed under Section 54 of the Land Acquisition Act against the judgment and decree, dated 18-12-2009, passed by the First Additional Sub Court, Salem, in L.A.O.P.No.4 of 2001.

For Appellant : Mr.P.Gunasekaran,Spl.G.P.(A.S)

For Respondents : Mr. R.Rajmohan for R1
Mr.P.Jagadeesan for RR2 to 4

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM,J.)

Challenge in this appeal suit is to the award dated 18-12-2009, passed in L.A.O.P.No.4 of 2001 by the Land Acquisition Tribunal/First Additional Sub Court, Salem.

2. The appellant herein, as Land Acquisition Officer, has acquired the lands comprised in Survey Nos.161/1, 161/4, 161/5, 161/6, 161/7 and 161/12, ad-measuring 6.46 acres and

awarded a compensation of Rs.47,000/- per acre. Since the quantum of compensation awarded by the Land Acquisition Officer is not sufficient, at the instance of the claimants a reference has been made under Section 18 of the Land Acquisition Act, 1894 to the file of the Land Acquisition Tribunal and the same has been taken on file in LAOP No.4 of 2001.

3. The Land Acquisition Tribunal after considering the rival contentions put forth on either side has awarded a compensation of Rs.20/- per square feet by way of passing the impugned award and the same is being challenged in this present appeal suit.

4. The learned Special Government Pleader has contended to the effect that Ex-C1 has come into existence on 30-12-1997 wherein a smaller extent of 1200 square feet has been sold and the Land Acquisition Tribunal, without giving further deduction has simply deducted 20% towards developmental charges and therefore, the method adopted by the Land Acquisition Tribunal for fixing the value of the acquired lands is totally erroneous. Under the said circumstances, the quantum of compensation fixed by the Land Acquisition Tribunal is liable to be modified.

5. The learned counsel appearing for the respondents 2 to 3 has also equally contended to the effect that under Ex.C1, 1200 square feet comprised in Survey No.161/12 has been sold for a sum of Rs.25/- per square feet and the Land Acquisition Tribunal after deducting 20% towards developmental charges has rightly fixed the compensation as Rs.20/- per square feet by way of passing the impugned award and therefore, the impugned award passed by the Land Acquisition Tribunal does not require any interference.

6. On the basis of the divergent submissions made on either side, the Court has to analyse as to whether the quantum of compensation fixed by the Land Acquisition Tribunal is perfectly correct or the same requires modification.

7. It is an admitted fact that Section 4(1) Notification has been given on 20-03-1999. It is also equally an admitted fact that totally 6.46 acres of lands have been acquired. It is also equally an admitted fact that the Land Acquisition Officer has awarded only a sum of Rs.47,000/- by way of compensation per acre.

8. The main gravamen expressed on the side of the appellant/Land Acquisition Officer is that apart from 20% deduction towards developmental charges, considering the smaller extent mentioned in Ex.C1, some more deduction must be given and the same has not been considered by the Land Acquisition Tribunal.

9. It is seen from the records that Ex-C1 has come into existence on 30-12-1997 even prior to Section 4(1) Notification. Further, as stated earlier under Ex-C1, an extent of 1200 sq. feet comprised in Survey No.161/12 has been sold.

10. It is seen from the records that a part of Survey No.161/12 has also been acquired by the Land Acquisition officer. Considering the aforesaid factual aspects, the Court can very well take the value mentioned in Ex-C1 for fixing compensation to the acquired lands.

11. It is an admitted fact that under Ex-C1, one sq. feet of land has been sold for Rs.25/-. The Land Acquisition Tribunal has deducted 20% towards developmental charges. Considering the fact that a smaller extent has been conveyed under Ex-C1 and also considering the fact that the classification of acquired lands and the data lands is one and the same, it is very clear that 20% deduction towards developmental charges is reasonable. Further, simply because a smaller extent has been conveyed under Ex-C1, further deduction need not be given. Therefore, viewing from any angle, the contentions put forth on the side of the appellant cannot be accepted and altogether, the present appeal suit deserves to be dismissed.

In fine, this Appeal Suit is dismissed without costs. The award passed by the Land Acquisition Tribunal, in L.A.O.P.No.4 of 2001, is confirmed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

glp
To

The First Additional Sub Judge
Salem

copy to
The Section Officer
VR Section High Court Madras

+1 cc to M/s.R.Rajmohan Advocate sr 69472
+1 cc to the Government Pleader sr 69611

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