

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.947 of 2010
and
M.P.Nos.1 of 2010 and 1 of 2011

The Special Tahsildar,
Adi-Dravidar Welfare,
Kallakurichi
Villupuram District ... Appellant/Referring Officer

Natesan Vs
..Respondent/Claimant

Prayer:- Appeal suit filed under Section 54 of the Land Acquisition Act against the judgment and decree, dated 30-04-2009, passed by the Subordinate Court, Kallakurichi, in L.A.O.P.No.33 of 1996.

For Appellant :Mr.P.Gunasekaran,A.G.P.

For Respondents :No Appearance

JUDGMENT

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

Challenge in this appeal suit is to the award dated 30-04-2009, passed in L.A.O.P.No.33 of 1996, by the Land Acquisition Tribunal/ Subordinate Court, Kallakurichi.

2. The appellant herein, as Land Acquisition Officer, has acquired the lands comprised in Survey Nos.90/1, 90/5B, 90/9a, 91/1, 91/2, 91/4, 91/5, 91/6B, 91/7, 91/8 and 91/8B, totally ad-measuring 2.79.5 hectares, equivalent to 6.90 acres and awarded a compensation of Rs.16,500/- per acre. Since the claimant has not accepted the quantum of compensation fixed by the Land Acquisition Officer, a reference has been made under Section 18 of the Land Acquisition Act, 1894, to the Land Acquisition Tribunal and the same has been taken on file in LAOP No.33 of 1996.

3. The Land Acquisition Tribunal after considering the entire evidence available on record has awarded a sum of Rs.2500/- per cent by way of passing the impugned award and the same has been challenged in the present appeal suit.

4. Even though the respondent has been served with summons, appearance has not been made. Under the said circumstances, this appeal suit is disposed of on the basis of the contentions put forth on the side of the appellant/Land Acquisition Officer.

5. The learned Special Government Pleader appearing for the appellant/Land Acquisition Officer has contended to the effect that Ex-C1 has come into existence on 29-02-1992 whereas Section 4(1) Notification has been given on 28-05-1991 and the Land Acquisition Officer without deducting anything towards developmental charges has simply fixed a sum of Rs.2500/- per cent by way of compensation and therefore, the award passed by the Land Acquisition Tribunal is liable to be modified.

6. It is an admitted fact that Section 4(1) Notification has been given on 28-05-1991. The Land Acquisition Officer has awarded Rs.165/- per cent. It is also equally an admitted fact that Ex-C1 has come into existence on 29-02-1992. Under Ex-C1, five cents of land comprised in Survey No.92/2 has been sold for a sum of Rs.16000/-. It is also an admitted fact that both the acquired lands as well as lands mentioned in Ex-C1 are nanja lands. It is equally an admitted fact that the lands in question are acquired for the purpose of converting the same into house plots.

7. As rightly pointed out by the learned Special Government Pleader appearing for the appellant/Land Acquisition Officer, the Land Acquisition Tribunal has not given any deduction towards developmental charges. Considering the fact that a smaller extent has been sold under Ex-C1 and also considering the fact that both the lands are agricultural lands (nanja lands) some deduction must be given towards developmental charges. Under the said circumstances, on the basis of classification of the acquired lands, this Court is of the view that deduction of 30% towards developmental charges is reasonable.

8. It has already been pointed out that under Ex-C1, five cents of land has been sold for a sum of Rs.16000/- and value of one cent comes to Rs.3200/-, after deducting 30% out of Rs.3200/- towards developmental charges, it comes to Rs.2240/- per cent and the same can be fixed as compensation to the lands acquired.

9. In fine, this appeal suit is allowed in part without cost. The quantum of compensation fixed by the Land Acquisition Tribunal is modified as follows:

The first respondent/claimant is entitled to get Rs.2240/- per cent by way of compensation. In other aspects, the award passed by the Land Acquisition Tribunal is confirmed.

10. The connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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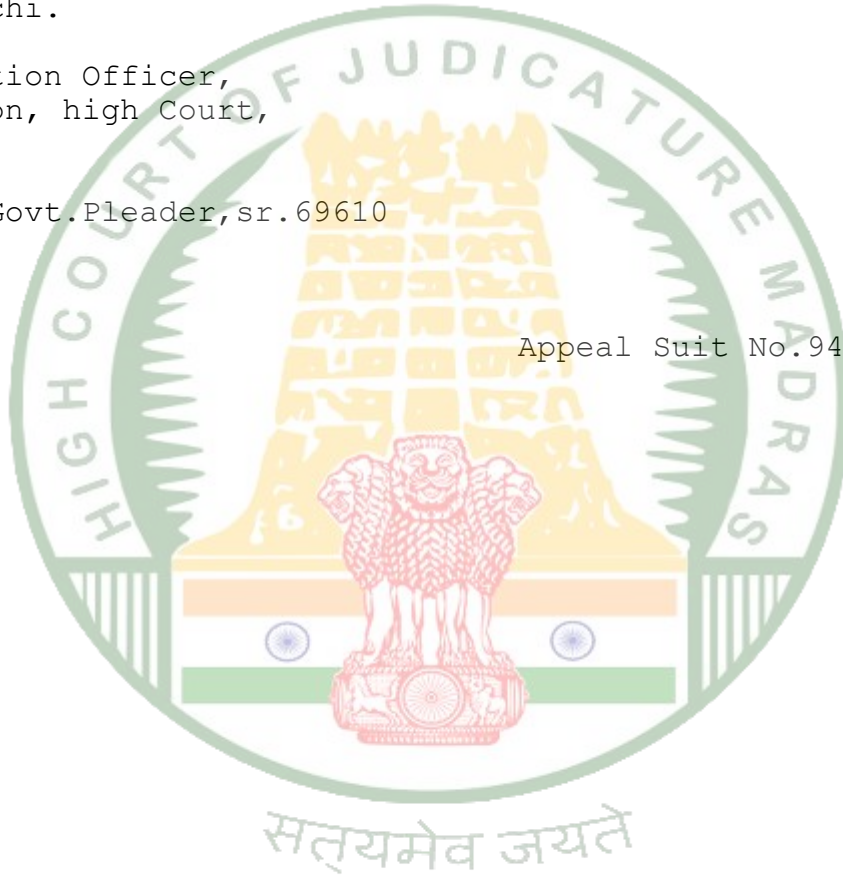
1.The Subordinate Court,
Kallakurichi.

2.The Section Officer,
V.R.Section, high Court,
Madras.

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