

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Second Appeal No.207 of 2015

and M.P.Nos.1 and 2 of 2015

1. The Land Acquisition Officer
(Special Tahsildar, ADW)
Harur Town & Post
Dharmapuri District.
2. The District Collector
Dharmapuri. ...Appellants/Respondents

Vs.

1. Rajammal
2. Natarajan @ Murugan
3. Devarajan
- . Manoharan(Died)
4. Minor Rajasekaran
5. Minor Deepalakshmi
(Minors 4 & 5 are represented by
the guardian Ist respondent Rajammal
6. Krishnan ...Respondents/Appellants

Second Appeal against the judgment and decree dated 20-12-2006 made in L.A.C.M.A.No.4 of 2004 on the file of Subordinate Judge, Dharmapuri, modifying the award made in Award No.3 of 1998-99, dated 31-07-1998 passed by the Land Acquisition Officer / Special Tahsildar (ADW), Harur praying the same be set aside and the Award.

For Appellant : Mr. M. Venugopal, Spl.G.P.(AS)

For Respondents : Mr.R. Subramaniam

J U D G M E N T

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

This second appeal is directed against the award dated 31-07-1998 passed in L.A.C.M.A.No.4 of 2004 by the Land Acquisition Tribunal/Sub-Court, Dharmapuri.

2. The first appellant herein as Land Acquisition Officer has acquired the lands comprised in Survey Nos.78/1, 2 and 3 measuring 3.21.0 hectares and awarded a compensation of Rs.1,70,430/- (Rupees One lakh Seventy Thousand four hundred and thirty only) per hectare. Against the quantum fixed by the Land Acquisition Officer, a reference has been made and the same has been taken on file in L.A.C.M.A.No.4 of 2004 on the file of the Land Acquisition Tribunal.

3. The Land Acquisition Tribunal after considering the rival evidence available on record has fixed a compensation of Rs.18/- per square feet. Against the quantum fixed by the Land Acquisition Tribunal, the present second appeal has been preferred at the instance of the Land Acquisition Officer and the concerned District Collector, as appellants.

4. The learned Special Government Pleader has contended that the Land Acquisition Tribunal has given only 25% towards developmental charges and further, the Land Acquisition Tribunal has erroneously fixed Rs.18/- square feet. Under the said circumstances, the award passed by the Land Acquisition Tribunal is liable to be modified.

5. Per contra, the learned counsel appearing for the respondents/ claimants has also equally contended that the acquired lands are comprised in Survey Nos.78/ 1, 2 and 3, measuring 3.21.0 hectares and on the side of the claimants, Exs-C3 to C8 have been filed. In Exs-C3 to C8, it is seen that adjacent lands have been sold on the basis of square feet. Therefore, the Land Acquisition Tribunal after giving 25% towards developmental charges has rightly fixed Rs.18/- per square feet and the award passed by the Land Acquisition Tribunal need not be modified.

5. It is an admitted fact that the acquired lands are comprised in survey Nos.78/ 1, 2 and 3. It is also equally an admitted fact that under Exs-C3 to C8, adjacent lands of acquired lands have been sold on the basis of square feet. Under Ex-C3, one square feet has been sold for a sum of Rs.47.10p. Likewise, under Ex-C4, one square feet has been sold for a sum of Rs.57/-; under Ex-C5, one square feet has been sold for Rs.58.68p; under Ex-C6, one square feet of land has been sold for Rs.43.27p; under Ex-C7, one square feet has been sold for

Rs.65.79p and under Ex-C8, one square feet has been sold for Rs.37.88p. Further, it is seen from the records that all sale deeds under Exs-C3 to C8, have come into existence prior to Section 4(1) Notification. The rates fixed therein can be a basis for fixing compensation to acquired lands.

6. The Land Acquisition Tribunal after deducting 25% towards developmental charges has fixed Rs.18/- per square feet.

7. The gravamen expressed on the side of the appellants is that the Land Acquisition Tribunal has only given 25% deduction towards developmental charges.

8. It is an admitted fact that the lands acquired are punja lands and the same have been acquired only for the purpose of converting it into house plots.

9. Considering the nature of classification of the acquired lands and also considering the fact that the Land Acquisition Tribunal has already deducted 25% towards developmental charges, the contentions put forth on the side of the appellants cannot be accepted and therefore, the present second appeal deserves to be dismissed.

10. In fine, the second appeal is dismissed without costs. The connected miscellaneous petitions are also dismissed.

11. The appellants are strictly directed to deposit the entire compensation amount together with interest within a period of twelve weeks from the date of receipt of a copy of this order.

-s/d-

Assistant Registrar (CSVI)

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge,
Dharmapuri

2. The Land Acquisition Officer
(Special Tahsildar, ADW)
Harur Town & Post
Dharmapuri District.

3. The District Collector
Dharmapuri.

+1 cc to Mr.R.Subramanian Advocate sr.31030
+1 cc to Government pleader(CS) sr.31293

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