



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

A.S.(MD)No.178 of 2016
and
C.M.P.(MD)No.11368 of 2016

The Special Tahsildar(LA),
Adi Dravidar Welfare,
Tenkasi.

.. Appellant/Referring Officer

Vs.

P.Adhimulam

.. Respondent / Claimant

PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the Judgment and Decree passed in L.A.O.P.No.3 of 2001, dated 10.12.2003, on the file of the learned Principal Subordinate Judge, Tenkasi.

For appellant	: Mr.S.Kumar Additional Government Pleader
For Respondent	: Mr.D.Selvanayagam

J U D G M E N T

This Appeal has been preferred by the appellant/Special Tahsildar(LA), Adi Dravidar Welfare, Tenkasi, who is the referring officer before the lower Court, namely, the Subordinate Court, Tenkasi, in L.A.O.P.No.3 of 2001.

2. Heard the learned Additional Government Pleader appearing for the appellant and the learned counsel appearing for the respondent.

3. Land belonged to the claimant measuring an extent of 0.16.0 acre in Survey No.560 of 2003 in Sengottai Melur Village, Sengottai Taluk was acquired for the purpose of providing house sites to Adi Dravidars. A notification under Section 4(1) of the Land Acquisition Act was issued on 02.01.1996 and a sum of Rs.17,158/- was offered by the Land Acquisition Officer in the award proceedings.



4. Aggrieved by the same, the claimant sought reference under Section 18 of the Land Acquisition Act. The Land Acquisition Officer has fixed Rs.37,300/- per acre equivalent to Rs.373/- per cent. As against the quantum, the Land Acquisition Tribunal has fixed the market value at Rs.800/- per cent equivalent to Rs.80,000/- per acre.

5. Though several grounds have been raised in the appeal, it is brought to the notice of this Court that in respect of the same acquisition proceedings, this Court had disposed of a batch of cases in A.S.Nos.121 to 123 of 2006, by a common Judgment, dated 08.10.2010, fixing the market value for the lands at Rs.720/- per cent, after deducting 10% of the amount towards development.

6. The learned Additional Government Pleader has no objection for fixing the same amount of Rs.720/- per cent and Rs.72,000/- per acre.

7. Hence, the claimant is entitled to compensation by taking into consideration the market value of the land as Rs.720/- (Rupees Seven Hundred and Twenty only) per cent. Therefore, the Appeal Suit is allowed to the extent indicated above and the Judgment and Decree passed by the learned Principal Subordinate Judge, Tenkasi, in L.A.O.P.No.3 of 2001, dated 10.12.2003, is modified by holding that the appellant is liable to pay compensation at the rate of Rs.720/- per cent. The claimant is entitled to other statutory benefits in terms of provisions of Land Acquisition Act. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Subordinate Judge,
Tenkasi.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.
+One cc to Mr.D.Selvanayagam, Advocate, SR.No.83100

pmu

RL/4C/2P/SKN/MM/24.1.2017

JUDDGMENT MADE IN

A.S. (MD) No.178 of 2016
and

C.M.P. (MD) No.11368 of 2016
23.12.2016