



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

A.S.(MD)No.71 of 2015

and

M.P.(MD)No.1 of 2015

The Special Tahsildar(L.A),
Nagercoil.

.. Appellant/Respondent

Vs.

Thiruvalluvan

.. Respondent/Claimant

PRAYER: Appeal filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree of the learned Additional Subordinate Judge, Nagercoil in L.A.O.P.No.83 of 1994, dated 22.12.2000.

For Appellant : Mr.S.Kumar
Additional Government Pleader
For Respondent : Mr.K.Vamanan

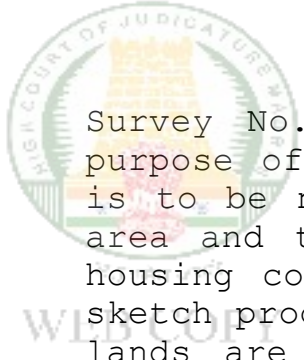
J U D G M E N T

This Appeal has been preferred against the award of Land Acquisition Tribunal, Additional Subordinate Court, Nagercoil, in L.A.O.P.No.83 of 1994, dated 22.12.2000.

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

3. As against a sum of Rs.1,050/- per cent in respect of the land owned by the respondent, the Tribunal has fixed the market value for the land at Rs.3,000/- per cent. The Tribunal has relied upon the documents in Ex.C.1 and Ex.C.2, both dated 26.09.1986.

4. It is to be noted that 5 cent of plot in Survey No.6-15/4 in the same village has been sold for a sum of Rs.45,000/-. Though the cost of the land as per the date of sale deed comes to Rs.9,000/-, the Tribunal has fixed a compensation only by calculating market value at Rs.3,000/- per cent. There is no dispute with regard to the actual measurement or about the potentiality of the land. An extent of 0.80.571 acres(80cents) in



Survey No.5-2/2 in Vadiveeswaram Village, was acquired for the purpose of development by Tamil Nadu Housing Board. Further, it is to be noted that the acquired lands are lying in a developed area and the lands are covered by school, industries, hospital, housing colonies and other educational institutions. The Topo-sketch produced by the appellant in Ex.R.2 shows that the acquired lands are near the lands in respect of which the documents in Ex.C.1 and Ex.C.2 were executed. Though the documents in Ex.C.1 and Ex.C.2 are dated 26.09.1986, the Tribunal has not enhanced the amount due to escalation of price during 1986-1990. The Tribunal has also considered the evidence regarding the commercial importance of the locality and the fact that the acquired lands are lying within the area surrounded by housing colonies and other institutions. The lands were acquired about 26 years and the long delay in this case has already caused great loss to the respondent.

5. In such circumstances, there is no scope for reducing the compensation fixed by the Land Acquisition Tribunal and this Court has no reason to interfere with the Judgment and Decree of the learned Additional Subordinate Judge, Nagercoil, in L.A.O.P.No.83 of 1994, dated 22.12.2000 and therefore, this Appeal Suit is dismissed. There is no order as to costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
Nagercoil.
2. The Special Tahsildar
(Land Acquisition),
Nagercoil.

+1 cc to Special Government Pleader SR.No.83165

JUDGMENT MADE IN
A.S.(MD)No.71 of 2015
and
M.P.(MD)No.1 of 2015
22.12.2016