

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**CRP(NPD)No.1406 of 2012
and
M.P.No.1 of 2012**

Special Tahsildar,
Adi Dravidar Welfare,
Polur.

.. Petitioner

Vs.

1.Zackria Sahib
2.Abdul Jaffar Sahib
3.Mubarak Batsha

.. Respondents

Prayer: Civil Revision Petition filed under Section 13 of the Tamil Nadu Acquisition of Land for ADW schemes Act 31/78 r/w Section 115 of C.P.C., against the judgment and decree made in C.M.A.No.10 of 2000 dated 08.04.2005 on the file of Sub Court, Arani, Tiruvannamalai District, modifying the award made in Award No.5/95-96, dated 22.03.1996 passed by the Special Tahsildar, (Adi Dravidar Welfare), Polur.

For Petitioner : Mr.Venugopal
Additional Govt. Pleader (C.S.)

For Respondents : Mr.V.Raghavachari (for R1)

ORDER

This Civil Revision Petition is filed seeking to set aside the Judgement and Decree made in C.M.A.No.10 of 2000, dated 8.4.2005 on the file of learned Sub Court, Arani, Tiruvannamalai.

2.The Special Tahsildar (ADW-LA) is the appellant herein and aggrieved over enhancement of an award amount passed in favour of respondents in lieu of acquisition of respondents' land is before this Court by way of this civil revision petition, challenging the same.

3.The Records disclose that respondent's land measuring an extent of 1.33 acre was acquired vide proceedings dated 22.3.1996 in Award No.5/1995-1996 fixing compensation at the rate of Rs.25,000/- per acre in the year 1996.

4.Aggrieved over the quantum of award and claiming enhancement respondents filed an appeal under section 9 of the Land Acquisition Act and the same came to be allowed by enhancing the compensation amount as Rs.2,18,000/-. The said enhancement is under challenge in this civil revision petition.

5.I heard Mr.Venugopal, learned Additional Government Pleader

(CS) for the petitioner and Mr.V.Raghavachari, learned counsel for the 1st respondent and perused the entire materials available on record.

6.The prime contention of the Learned Additional Government Pleader appearing for appellant is that the enhancement at Rs.1,93,000/- per acre ahead of Rs.25,000/- as previously fixed by the appellant is baseless.

7.It is also his contention that according to Section 8 of the Land Acquisition Act, the said increase in value of the land after acquisition and income likely to accrue from the use to which it will be used or prohibited from consideration.

8.It is also the contention that the trial Court failed to deduct the development charges while fixing of the market price. Accordingly he seeks to set aside the impugned judgement by restoring the quantum as fixed by the appellant.

9.On careful perusal of the impugned order it is seen that in pursuant to Land Acquisition Notification dated 13.12.1995 the respondent's land were acquired. It appears from Ex-7 the copy of the

government guideline value, reflects at Rs.4/- and as per sale deed in the year 1993 a sum of Rs.9/- was reflected, accordingly the Tribunal / Sub-Court has fixed compensation at Rs.5/- per sq.ft, which according to this Court is just and proper.

10.It is further seen that vide Ex-P6 and evidence of PW-3, 1 square metre of adjacent land is sold at Rs.9/-. It is equally important to state that the said document pertains to the year 1993 and the same is in respect of Survey No.216/2 which is situated opposite to the respondent's land.

11.The said facts disclose that the adjacent properties are house sites and are arrived guideline value in square metre and as well the documents are registered evaluating the landed properties also denote it as a house site.

12.However in as much the respondent's land is concerned and it is found to be termed as Punja land. Thus such contention is unsustainable and liable to be rejected for the sole reason that adjacent properties in either side remain as house site and naturally respondent's land cannot be undervalued than the adjacent land.

13.In view of the foregoing discussion, I do not find any merits in this civil revision petition and the same is liable to be dismissed.

14.In the result:

(a) this civil revision petition is dismissed, by confirming the order passed in C.M.A.No.10 of 2000, dated 08.04.2005, on the file of the learned Subordinate Court, Arani, Tiruvannamalai District, modifying the award made in Award No.5/1995-1996, dated 22.03.1996 passed by the Special Tahsildar, (Adi Dravidar Welfare), Polur;

(b) the payment of the amount as per the order passed in CMA.No.10 of 2000 should be complied with by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

19.04.2017

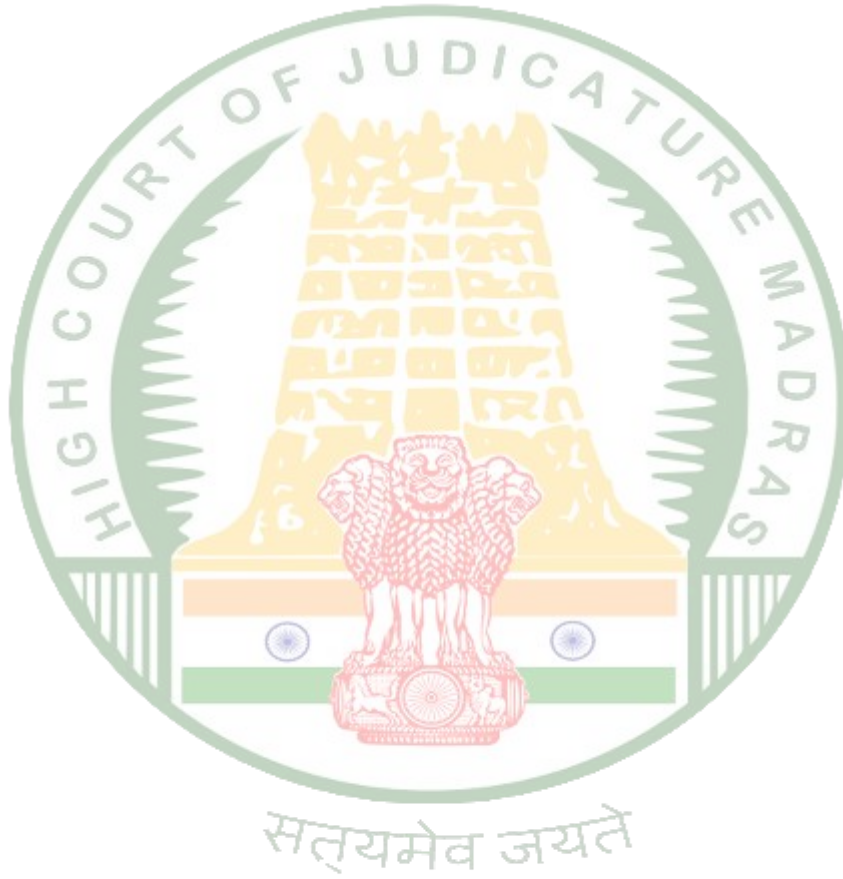
Note:Issue order copy on 28.01.2019
vs

Index:Yes
Internet:Yes

WEB COPY

To

- 1.The Sub Court, Arani,
Tiruvannamalai District.
- 2.The Special Tahsildar,
(Adi Dravidar Welfare), Polur.



WEB COPY

M.V.MURALIDARAN, J.

VS



Pre-Delivery order made in
CRP(NPD)No.1406 of 2012 and
M.P.No.1 of 2012

WEB COPY **19.04.2017**