



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.(MD).No.336 of 2014
and
M.P(MD).No.2 of 2014

The Special Tahsildar,
Land Acquisition Officer,
Adi Dravidar Welfare,
Mudukulathur,
Ramanathapuram District.

... Appellant/Respondent

Vs.

Alagu Ammal(died)
1.Chellamuthu
2.Ammamuthu
Pushpavalli(died)
3.Sivanantham
4.Yogeswari
5.Punithamalar

... Respondents/ Claimants

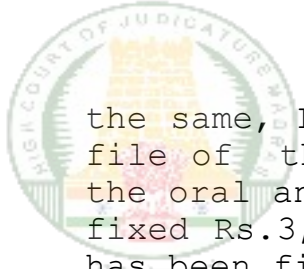
Prayer: Second Appeal filed under Section 13 of the Tamil Nadu Adi Dravider Welfare Act, against the Judgement and Decree, dated 14.10.2009, made in L.A.C.M.A.No.45 of 2000 by the learned Subordinate Judge, Paramakudi, against the Na.Ka.No.399 of 97, dated 20.03.1998, passed by the Special Tahsildar(ADW), Mudukulathur.

For appellant : Mr.S.Sathishkumar,
Additional Government Pleader
For respondents : Mr.M.Sureshkumar

JUDGMENT

This appeal arises out of a land acquisition proceedings and the same is preferred by the Government.

2.Pursuant to the 4(1) notification, dated 02.12.1997, an extent of 1.43.0 hectares (353 cents) in Survey No.279/2B at S.Karaikudi Village, Kolunthurai Group, Mudukulathur Taluk, Ramanathapuram District, was sought to be acquired by the appellant for the purpose of Harijan Welfare Housing Scheme. The respondents herein are the owners of the property. The award was passed on 20.03.1998. The appellant/Land Acquisition Officer, after assessing the data sale deeds, has fixed Rs.11,330/- per acre. Aggrieved by



the same, L.A.C.M.A.No.45 of 2000 was filed by the claimants on the file of the learned Subordinate Judge, Paramakudi. After assessing the oral and documentary evidence, the learned Subordinate Judge had fixed Rs.3,000/- per cent. Aggrieved by the same, the above appeal has been filed by the Government.

3. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondents.

4. This second appeal was admitted on the following substantial question of law:

"Whether the compensation awarded by the lower Court on the basis of the claimants' document (Ex.P1), dated 04.02.1998, i.e., after 4(1) Notification, dated 02.12.1997, is permissible under law?".

5. The learned counsel for the appellant contended that the land acquired by the Government is a unfertile dry land and the award granted was excessive. The learned counsel for the appellant further contended that Section 4(1) notification was issued on 02.12.1997, but the data land considered by the first appellate Court on 04.02.1998. However, considering Exs.C1 and C2 produced by the claimants, the first appellate Court had fixed the value of the land acquired at Rs.3000/- per cent. The finding of the first appellate Court is that the acquired lands are very far from Ex.R3 and Exs.C1 and C2 are very close to the land acquired. Even after referring the value of the land mentioned in Exs.C1 and C2 as Rs.3,577/- and Rs.3,529/- per cent respectively, considering the larger extent of land acquired, the first appellate Court had fixed only Rs.3,000/- per cent.

6. It is not explained to this Court as to how the amount fixed by the first appellate Court can be stated as excessive. The acquisition proceedings was initiated in the year 1997. The first appeal was filed in the year 2000 and the present second appeal has been preferred in the year 2014. There is no point in reversing the said rate fixed, in the absence of any evidence. The claimants also were awarded only 15% solatium and 6% interest as per the statute. There is nothing to interfere in the payment fixed by the first appellate Court. In the light of the above facts, the question of law is answered against the appellant.

7. Accordingly, this second appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/



To

1. The Subordinate Judge,
Paramakudi.

2. The Special Tahsildar,
Land Acquisition Officer,
Adi Dravidar Welfare,
Mudukulathur,
Ramanathapuram District.

3. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 78394

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78645

MSA

TE/MR-KKR/SAR-I : 10/10/2017 : 3P/6C

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