



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

SECOND APPEAL (MD) No.265 of 2017

and

C.M.P(MD) .No.5925 of 2017

WEB COPY

The Special Tahsildar (LA),  
Adi Dravidar Welfare,  
Unit - 1,  
Dindigul.

... Appellant / Respondent

Vs.

Venkittramani

... Respondent /Claimant

**PRAYER:** Second Appeal filed under Section 13 of the Land Acquisition for Harijan Welfare Scheme Act, 1978, against the judgment and decree, dated 13.11.2008, made in L.A.C.M.A.No.6 of 1997 by the learned Principal Subordinate Judge, Dindigul, which was filed against the award No.4/96-97, dated 27.03.1997, passed by the Special Tahsildar (ADW), Unit -I, Dindigul.

For appellant

... Mr.S.Sathiskumar,  
Additional Government Pleader

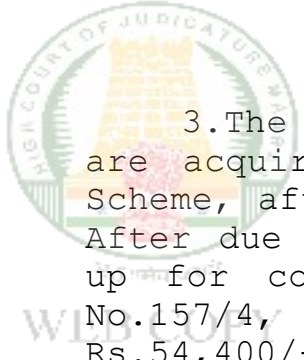
For respondent

.... Mr.B.Saravanan

### **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 05.03.1997, a total extent of 1.27.00 hectares (3.14 acre) ie., an extent of 0.39.0 hectares in Survey No.186/6 and an extent of 0.88.0 hectares in Survey No.178/4, Pillayarnatham Village, Dindigul Taluk, Dindigul District, was sought to be acquired by the appellant for the purpose of the Adi-dravidar Welfare Housing Scheme. The respondent herein is the owner of the property. The award was passed on 27.03.1997. The appellant / Land Acquisition Officer, after assessing the data sale deeds, had fixed Rs.40,000/- per acre. Aggrieved by the same, L.A.C.M.A.No.6 of 1997 was filed by the claimant on the file of the Principal Subordinate Court, Dindigul. After assessing the oral and documentary evidence, the Tribunal had fixed Rs.2,000/- per cent. Aggrieved by the same, the above appeal has been filed by the



3. The acquired lands are owned by the respondent and the same are acquired by the appellant for Adi-dravidar Welfare Housing Scheme, after issuing Section 4(1) notification, dated 05.03.1997. After due enquiry, a data sale deed, dated 23.06.1996, was taken up for consideration. The said sale deed relates to Survey No.157/4, in which one acre 36 cents was sold for a sum of Rs.54,400/-. The appellant has passed the award, fixing the said value. Aggrieved by the said value fixed by the Land Acquisition Special Tahsildar, the claimant had preferred C.M.A. Before the learned Principal Subordinate Judge, Dindigul, the claimant himself was examined as CW1. He has stated that the lands acquired are potential house sites and the nearby lands were sold at Rs.25/- per square feet and Rs.4,000/- per cent. The claimant had also filed Ex.C2 - sale deed, dated 27.03.1995 and Ex.C3 - sale deed, dated 11.03.1996. Both the sale deeds are much prior to the date of Section 4 (1) notification. As per Ex.C2, a cent was sold for Rs.3,073/- and as per Ex.C3, a cent was sold for Rs.4,000/-. Per contra, the Land Acquisition Special Tahsildar had stated that the rate was fixed at Rs.98,800/- per hectare, based on Ex.R1. According to the appellant, the lands acquired are not the house sites, but they are punja lands.

4. Before the learned Principal Subordinate Judge, Dindigul, the claimant had argued that as the lands acquired situate just 100 meters away from Pillaiyar Natham Village, the acquired lands are capable of being laid-out for the purpose of housing and it would have a better marketable value. In support of his case, he had also filed Ex.C2, sale deed, dated 27.03.1995, which relates to a land closure to the acquired land situate in Pozhi. Similarly, Ex.C3 was filed to show that one cent was sold at Rs.4,000/-. Thus, the claimant had sought for fixation of value based on these documents. Similarly, in the contiguous land in Survey No.177/2A, 5 cents of land was sold for a sum of Rs.15,000/-. The learned Subordinate Judge has given a finding that as per the Field Map Book, Survey No.177/2A is contiguous to the acquired land in Survey No.178/4 and the same is sold for Rs.3,000/- per cent. Accordingly, the value of the land was fixed at Rs.3,000/- per cent. The lower appellate Court, after deducting amount for developmental work viz., roads, drainage, etc., had fixed the value at Rs.2,000 per cent.

5. Though the learned Additional Government Pleader has made a strenuous attempt to assail the said value fixed, there was no document produced to show that the value would be less than the amount fixed by the Principal Subordinate Court. Even considering the documents produced by the claimant viz., Exs.C2 and C3 and the appellant viz., Ex.R2, which are much prior to Section 4(1) notification, an average value seems to be Rs.3,000/- per cent and ~~services rendered in the services~~ the developmental charges, the value was rightly fixed by the lower appellate Court at Rs.2,000/- per cent. There is no convincing reasons to interfere with the said value fixed by



the first appellate Court for the lands acquired. This Court is also of the opinion that the amount awarded by the Principal Subordinate Court is not excessive and the same does not warrant any interference of this Court. Accordingly, this second appeal filed by the Government is liable to be dismissed as devoid of any merits.

6. In the result, this second appeal fails and the same is, accordingly, dismissed, confirming the judgment and decree passed by the learned Principal Subordinate Judge, Dindigul, in L.A.C.M.A.No.6 of 1997. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge, Dindigul.

2.The The Special Tahsildar (LA),  
Adi Dravidar Welfare, Unit - 1, Dindigul.

3.The Section Officer, VR Section,  
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.B.SARAVANAN, Advocate SR.No.72129  
+1cc to Special Government Pleader, SR.No.72024

gcg

MAS/SV-MMS/SAR2:14.09.2017:3P-6C

S.A. (MD) No.265 of 2017  
09.08.2017