

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.09.2018
DELIVERED ON : 08.10.2018

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) .NO.1224 OF 2005
AND
C.M.P.NO.8706 OF 2005

1. The District Collector,
Thiruvannamalai.
2. The District Adidravidar Welfare Officer,
Thiruvannamalai.
3. The Special Tahsildar (ADW Department),
Vandavasi. Petitioners

Vs

- 1.Gomathi
- 2.Gowri
- 3.Balasaraswathi Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Judgment and Decree dated 03.04.2003 made in C.M.A.No.33 of 2000 on the file of the learned Sub Judge, Cheyyar, Tiruvannamalai District.

For Petitioners : Ms.A. Madhumathi
Additional Government Pleader (CS)

For Respondents : Mr.P.Mani
for R1 to R3

ORDER

The above Civil Revision Petition has been filed by the District Collector, Thiruvannamalai, challenging the Judgment and Decree of the learned Sub Judge, Cheyyar, Tiruvannamalai District, in C.M.A.No.33 of 2000 in and by which the learned Judge has enhanced the compensation to a sum of Rs.1,500/- per cent.

2.The only ground of challenge is that the learned Sub Judge, while arriving at the compensation, has not made any deduction towards Development Charges.

3.The learned Additional Government Pleader (CS), who appeared on behalf of the petitioners, would contend that the lands acquired were agricultural lands and the Government had to spend money for developing into house sites.

4.Per contra, Mr.P.Mani, who appeared on behalf of the respondents/land owners would contend that the lands which had been acquired are not used for agricultural purpose since all around the acquired lands house sites have come up and the acquired land is situate near the Government Hospital, School, Police Station and Sub Registrar's office as well. The lands were abutting Vandavasi - Chengalpet Highway and therefore, there is no necessity for the petitioner to spend on developing charges. He would further contend that despite the fact that Ex.R.3 had been produced on the side of the respondents/land owners to show that the land adjacent to the acquired lands was sold for a sum of Rs.36,000/- per cent and even after deducting 33 1/3% towards development charges and 17% towards small extent of land, still the value was Rs.18,000/- per cent, the learned Sub Judge has only fixed the land value at a sum of Rs.1,500/- per cent and even this sum has not been paid to the land owners till date and at this juncture, if the amount is further reduced, the land owners would be put to irreparable loss and hardship.

5.The learned counsel appearing for the land owners would rely on the following Judgments:

(a) 2008(2) SCC 568
Atma Singh v. State of Haryana
and

(b) The Special Tahsildar (ADW), Pudukkottai v. Andiyappa Chettiar and 4 others in C.R.P.(NPD). (MD). No.1993 of 2008 and Cross Obj.(MD). No.8 of 2015, dated 31.03.2015.

6.Heard the submissions of the parties and perused the material available on record.

7.From the perusal of the records and the evidence of R.W.1 - Land Acquisition Officer, it is seen that the data land documents in respect of an adjacent land sold contemporaneously with the acquisition and marked as Ex.R.3 would show the value of Rs.36,000/- per cent. It is also seen that the area around the acquired land is a well developed area with proximity to

schools, hospitals, Police Station, Sub Registrar's Office, etc., which definitely shows that the lands have been developed and there may be no expenditure involved for further developing the same, particularly, when the lands around the area have been sold as house sites. The lands which have been acquired also abuts the State Highway.

8.The learned counsel for the respondent has also stated that even if development charges and deduction is made towards a small extent of land still the market value of the acquired land is a sum of Rs.18,000/- per cent, whereas the learned Sub Judge has only awarded a sum of Rs.1,500/- per cent. This order has attained finality and the land owners have not filed any Cross Objection. This Court, in the case of the Special Tahsildar (ADW), Pudukkottai v. Andiyappa Chettiar and 4 others in C.R.P. (NPD).(MD).No.1993 of 2008 and Cross Obj.(MD). No.8 of 2015 dated 31.03.2015, has reduced the development charges from 50% to 25% taking into account the fact that some development activity in the form of laying out the plots and providing roads etc., has to be undertaken for which expenditure would be incurred. However, in the case on hand, there is no evidence on the side of the petitioner to contradict the statement of the land owners that the entire area is fully developed with proper roads and abutting a State Highway which means that the Government will not have to incur any expenditure and the entire area is already developed area. I therefore find that the learned Sub Judge has taken into consideration the above factors and arrived at a compensation without deducting the amount of development charges. I find no infirmity in the order dated 03.04.2003 passed by the learned Sub Judge, Cheyyar, Tiruvannamalai District in C.M.A.No.33 of 2000.

In the result, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Sub Judge,
Cheyyar,
Tiruvannamalai District.

2. The Section Officer,
VR Section, High Court, Madras (2 Copies)

+1cc to Mr.P.Mani, Advocate, S.R.No.69783
+1cc to the Government Pleader, S.R.No.69767

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BR (CO)
CS/29/10/2018



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