

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.No.480 of 2018
and
C.M.P.No.12880 of 2018

1.The District Collector,
Dharmapuri.

2.The Land Acquisition and Special Tahsildar,
Adi Dravidar Wefare,
Dharmapuri

... Appellants

-vs-

Pachiammal

... Respondent

Appeal filed against the Judgment and Decree dated 22.12.2016 made in LACMA.No.01 of 2014 on the file of Sub Court, Dharmapuri, modifying the award No.2/ADW/2002-03, in Na.Ka.No.353/2002 (T), dated 20.03.2003, on the file of the Land Acquisition Officer, Dharmapuri, praying to set aside the award.

For Appellants : Mr.Sricharan Rangarajan
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The Appeal has been filed against the judgment passed by the Civil court in the appeal filed against the award passed by the authorities on 20.03.2003, by which the value of the acquired land has been determined at Rs.3,85,307/-, enhancing from a sum of Rs.51,479/- as determined by the Land Acquisition Officer cum Special Tahsildar by award dated 20.03.2003.

2. Heard Mr.Sri Charan Rangarajan, learned Special Govt. Pleader (C.S.), who submits that the enhancement is without any basis and three times the amount has been multiplied, enhancing from Rs.51,479/- to Rs.3,85,307/-.

3. The following substantial questions of law have been raised:

- (a) Whether the learned Judge justified to enhance the award passed by the appellant based on the document relied upon by the respondent when those documents are smaller extent.
- (b) Whether the learned Judge justified in holding that the enhancement of award can be made based on the sale deed document which is house site and small extent when the acquired land is agriculture land and larger extent?
- (c) Whether the learned Judge erred by rejecting the document based on the appellant fixed the value of the acquired land without any valid reasons?
- (d) Whether the potentiality, Classification of the acquired Land and the sample document is one and the same.

Though as many as four substantial questions of law have been raised, all the substantial questions of law are relating only to the value of the property. Therefore, the first substantial question of law alone is taken up for consideration.

4. A perusal of records would show that the land of the respondent was acquired for the purpose of giving house sites to the land less Harijan people, numbering 150. The property is measuring about 1.06 acres or 0.43.0 hectares, comprised in survey No.384/2, New survey No.284/2A to an extent of 0.03.0 hectares and 284/2C to an extent of 0.40.0 hectare located in Namandahalli, Palacod Taluk, Dharmapuri District by virtue of 4 (1) notification on 28.02.2003. The Special Tahsildar determined the value of the property at Rs.51,479/- relying upon the land covered by sale deed dated 11.07.2002, measuring to an extent of 1.75 acres, located in survey No.299/2A Namandahalli.

5. Aggrieved by that, the appellant/1st respondent filed appeal before the Sub Court, Dharmapuri, which relied upon Ex.C4, sale deed dated 13.12.1999, in respect of property comprised in survey No.218/25 to an extent of 880 sq. ft. Though Mr.Sri Charan Nagarajan, learned Special Government Pleader would argue that the value taken in respect of Ex.C4 is unwarranted, paragraph 14 of the judgment of the Sub-Court would reveal that the property covered by Ex.C4 is located nearer to the acquired land. That apart, the acquisition itself is for the purpose of giving flats to the landless poor. When that is the case, the land which has been sold as a flat has to be necessarily considered. When the purpose of acquisition is for providing housing flats, there is nothing wrong in referring to Ex.C4 to determine the value of the acquired land. The Sub Court based on Ex.C4, rightly determined the value of the acquired land at Rs.3,85,807/-. In view of the above, the first substantial question of law is answered against the appellant.

Therefore, the appeal has to be dismissed.

6. This Court also took into consideration the smaller value of the amount involved in the appeal. That apart, the land was acquired as early as in the year 2003 and the land loser has to be compensated then and there. Even after 15 years, if the matter does not reach finality, the people will lose their faith in the principle of justice delivery system itself and it is not in the interest of democracy.

7. Accordingly, the Appeal fails and the same is dismissed. No costs. While dismissing the appeal, this Court directs the appellants to deposit the entire amount as per the decree passed by the Sub-Court on or before 02.01.2019, failing which, the appellants viz., The District Collector Dharmapuri and the Land Acquisition Officer cum Special Tahsildar, Adi Dravidar Welfare, Dharmapuri shall appear before this Court on 02.01.2019.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

sai

To

1.The Sub Judge,
Sub Court, Dharmapuri.

2. The District Collector, Dharmapuri.

3. The Land Acquisition officer cum Special Tahsildar
Adi Dravidar Welfare, Dharmapuri.

4. The Section officer
VR Section, High Court, Madras 104.

5. The Sub Assistant Registrar
Judicial Section
High Court, Madras 104

+1 CC to Govt. Pleader sr 78860.

S.A.No.480 of 2018

CNR(CO)
SP(21/12/2018)