



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twentieth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) No.2896 and 2897 of 2018

IN

SA (MD) No.327 of 2016

1 K.ARUMUGAM
2 K.VELMURUGAN
K.MARIMUTHU (DIED)
3 M.AYYAMMAL
4 M.GAYATHRI
5 M.SHANMUGAPRIYA

... PETITIONERS/PETITIONERS/RESPONDENTS
IN CMP (MD) No.2896/2018 IN SA (MD) No.327/2018

T.SUBBULAKSHMI

... PETITIONERS/PETITIONERS/RESPONDENTS
IN CMP (MD) No.2897/2018 IN SA (MD) No.327/2018

Vs

THE SPECIAL THASILDAR,
ADI DRAVIDAR WELFARE,
SRIVILLIPUTHUR.

... RESPONDENTS/PETITIONERS/APPELLANTS
IN BOTH THE PETITIONS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the amount together with accrued interest deposited by the respondent to the credit of C.M.A.No.11 of 1999 on the file of the Sub-Court, Srivilliputhur pending disposal of the above S.A.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.SIVAJI, Advocate for the petitioner in both the petitions and of MR.AAYIRAM K.SELVAKUMAR, Additional Government Pleader on behalf of the Respondents in both the petitions, the court made the following order:-

These petitions are filed to permit the petitioner to withdraw the amount together with accrued interest deposited by the respondent to the credit of C.M.A.Nos.11 and 18 of 1999, on the file of the Sub-Court, Srivilliputhur.

2.The petitioner in these petitions is the owner of lands, which were acquired for the purpose of providing free house site to



the Adi Dravidars. The acquisition was initiated long back and from the proceedings, it is learnt that the Land Acquisition Officer has fixed the compensation at Rs.537/- per cent, whereas, it was enhanced by the lower Court at Rs.6,000/- per cent. It is also seen that the lower Court has allowed 15% of compensation as solatium after arriving at the market value, based on sale exemplar.

3.Unlike Central Act, interest payable under State Act is only 6%, that too from the date of taking possession. Under Land Acquisition (Central) Act, the land owners are entitled to additional interest as per Section 23(1)(a) and interest at the rate of 15%, if amount is not paid within one year, during which claimant is entitled to 9%. Having regard to the stringent provisions of the State Act, the petitioner / land owner has already suffered a lot due to the pendency of the proceedings for a long time. Further, this Court *prima facie* convinced that the award of the lower Court appears to be reasonable.

4.The learned Additional Government Pleader submitted that the appellant / respondent has deposited 50% of the award amount. It is further stated that the compensation has been enhanced by 20 times and that the market value has been enhanced from Rs.537/- per cent to Rs.6,000/- per cent. It is to be noted that the lower Court has relied upon Ex-B1 and B2, which are the sale deeds, in respect of lands in S.No.210/5 and 204/1B1 and which are stated to be near the acquired lands. The notification under Section 4(1) of the State Act, was issued on 29.12.1998 and the sale deed, under Ex-B1 and B2 are 04.08.1997 and 18.09.1997, respectively, nearly one year three months before the date of acquisition.

5.Though the lower Court relied upon a document, which is after notification even assuming that this document cannot be relied upon, based on other documents, the compensation to be fixed cannot be less than Rs.5,000/- per cent. The land owners are entitled to interest only at 6% from the date of taking possession. In this case, the acquisition was of the year 1998 and after 20 years, the compensation has now been increased by the lower Court. In view of the long delay, the land owners have already suffered a lot and this cannot be set right by the disposal of these appeals. In view of the above discussion, this Court is inclined to allow these petitions.

6.Accordingly, these petitions are allowed and the petitioner is permitted to withdraw the entire amount deposited by the respondent to the credit of C.M.A.Nos.11 and 18 of 1999, on the file of the Sub-Court, Srivilliputhur, which represent 50% of the amount fixed by the lower Court.

sd/-
20/04/2018

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TO

THE SUBORDINATE JUDGE, SRIVILLIPUTHUR.

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PK/RR/SAR-1/02.05.2018 : 3P/2C

ORDER

IN

CMP (MD) No.2896 & 2897/2018

IN

SA (MD) No.327 of 2016

Date :20/04/2018