



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

S.A.(MD)No.20 of 2016

and

C.M.P.(MD)Nos.294 of 2016 and 9839 of 2017

The Special Tahsildar(LA),
Adi Dravidar Welfare,
Tamaraikulam,
Periyakulam,
Vaigai District.

:Appellant / Respondent / Referring Officer

-Vs-

Masilamani

: Respondent / Appellant/ Claimant

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 27.06.2007 made in L.A.C.M.A.No.19 of 1997 on the file of the Sub-Orindate Judge, Periyakulam, which was filed against the Award No.5/96-97, dated 19.12.1996 by the Special Tahsildar, ADW, Periyakulam.

For Appellant

: Mr.A.Thiagarajan

Government Advocate

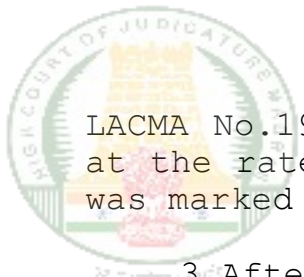
For Respondent

: Mr.R.Subramanian

JUDGMENT

This appeal has been preferred by the Special Tahsildar(LA), Adi Dravidar Welfare, Periyakulam, as against the judgment and decree of the Sub-Court, Periyakulam, in LACMA No.19 of 1997, fixing compensation for the land acquired from the respondent.

2.It is not in dispute that an extent of 0.71.5 hectares of dry land equivalent to 1.77 acres of land in S.F.No.418/4C1 in Seepalakottai Village, Uthamapalayam Taluk, was acquired for the purpose of providing house site to the Adi Dravidars, stating that there are no other suitable porambokku lands available in and around the lands belonged to the respondent. The submission of the appellant before this Court is that the Special Tahsildar, after conducting an award enquiry, has fixed the compensation at the rate of Rs.79588.88 per hectare, equivalent to Rs.32222.22 per acre. The Land Acquisition Officer has also allowed 15% as solatium. As against the award of the Land Acquisition Officer, the respondent herein preferred an appeal before the Sub-Court, Periyakulam in



LACMA No.19 of 1997. The Sub-Court, Periyakulam, fixed compensation at the rate of Rs.3,000/- per cent relying upon the document, which was marked as Ex-C1.

3. After finding that the value of the property as per sale exemplar, which was marked as Ex-C1, is Rs.4,000/-, a sum of Rs.3,000/- was fixed as compensation by the Sub-Court, Periyakulam, for the acquired land. However, while fixing compensation at Rs.3,000/-, the Sub-Court, Periyakulam, has also awarded 30% of market value as solatium and further interest at 12% from the date of 4(1) notification for a period of one year as contemplated under Section 23(IA) of the Land Acquisition (Central) Act. The lower Court has also awarded 9% interest for the first year and then 15% per year for the subsequent period.

4. It is not in dispute that the lands were acquired for the purpose of providing free house sites to the Adi Dravidars and the land owner is entitled for solatium only at 15% and interest at 6% from the date of taking possession. In such circumstances, the learned Government Advocate has rightly submitted that the lower Court has directed solatium and interest which is not permissible under the State Act. With regard to market value, this Court is able to see that the judgment and decree of lower Court is appropriate, as Ex-C1 has been accepted as one reflecting market value based on reasons and a sum of Rs.1,000/- per cent, has been deducted, representing 25%.

5. In view of the same, this appeal is partly allowed and the judgment and decree judgment and decree dated 27.06.2007 made in L.A.C.M.A.No.19 of 1997 on the file of the Subordinate Judge, Periyakulam, is set aside insofar as the award of solatium at 30% of the compensation that has been allowed as per Central Act and the interest at 12% are concerned and are modified by directing the appellant to pay solatium at 15% and interest at 6% as provided under the State Act. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

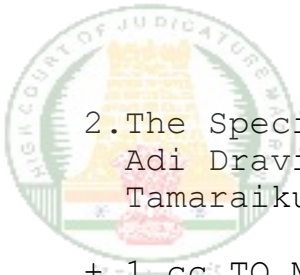
The Subordinate Judge, Periyakulam,

Copy to:

1. The Section Officer,
Vernacular Records,

<https://hcservices.ecourts.gov.in/hcservices/>

Madurai Bench of Madras High Court,
Madurai. (2 copies)



2.The Special Tahsildar(LA),
Adi Dravidar Welfare,
Tamaraikulam, Periyakulam.

+ 1 cc TO Mr.R.Subramanian , Advocate in SR No. 56175

+ 1 cc TO The Special Government Pleader in SR No. 56779

cmr

AE/KKR/SAR2/31.05.2018/3P/7C

Judgment made in
S.A. (MD) No.20 of 2016
19.03.2018