



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

A.S.(MD)Nos.36 to 38 of 2018
and

C.M.P.(MD)Nos.1941,1947 and 1948 of 2018

The Land Acquisition Officer and
the Revenue Divisional Officer,
Aruppukottai. : Petitioner / Appellant in all cases

-Vs-

1.Mariyammal : Claimant/ Respondent in AS(MD)No.36 of 2018
1.Kalieeswari : Claimant/ Respondent in AS(MD)No.37 of 2018

1.Mareeswari
W/o.Pounraj
2.Chellammal
3.Mariyammal
4.Pandeeswari
5.Sankareswari
6.Thenmarikani
7.Kanagavalli
8.Mareeswari
D/o.Late Ramachandran
: Claimant/ Respondent in AS(MD)No.38 of 2018

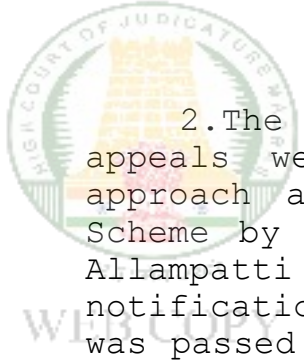
2.The Assistant Executive Engineer,
Tamil Nadu Housing Board,
Madurai.
: Beneficiary / Respondent in all cases

COMMON PRAYER: Appeal Suit are filed under Section 54 of the Land Acquisition Act, to set aside the decree passed in LAOP Nos.31, 32 and 33 of 2000, dated 09.06.2006 on the file of the Sub Court, Srivilliputhur.

For Appellant in all cases : Mr.A.Thiyagarjan
Government Advocate

COMMON JUDGMENT

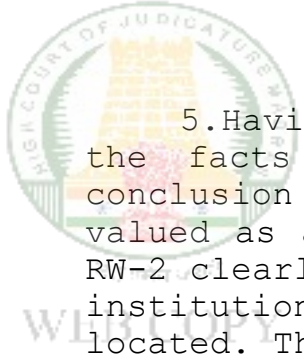
In all these appeals, the Land Acquisition Officer / the Revenue Divisional Officer, Aruppukottai, namely, the Referring Officer is the appellant. The private respondents in these appeals are the owners of the lands.



2.The lands belonged to the private respondents in these appeals were acquired for the purpose of providing sufficient approach and for the formation of compact Neighbourhood Housing Scheme by the Tamil Nadu Housing Board. The lands are located in Allampatti Village, near Virudhunagar. It is admitted that 4(1) notification was issued on 28.09.1997. After acquisition, the award was passed on 26.03.1999 and the appellant fixed the market value @ Rs.844/- (Rupees Eight Hundred and forty four) per cent equivalent to Rs.84,000/- (Rupees Eighty Four Thousand) per acre. Aggrieved by the compensation fixed by the appellant, the private respondents in these appeals sought for reference under Section 18 of the Land Acquisition Act. Upon reference, the Sub Court, Virudhunagar, enhanced the compensation from Rs.844/- per cent to Rs.4000/- (Rupees Four Thousand) per cent. Aggrieved by the judgment and decree of the Sub Court, Virudhunagar, enhancing the compensation, the appellant / Referring Officer has preferred the above appeals.

3.Mr.A.Thiyagarajan, learned Government Advocate, submitted that the Reference Court has accepted the documents Ex-C6 and Ex-C8, without adverting to the fact that the lands are far away from the acquired land and that the lands which are covered by the two sale deeds are located in a different area and having different vantage and potential. The sale exemplar relied upon by the respondents are in respect of house site and hence it is submitted that the Reference Court has committed a serious error in relying upon the documents Ex-C6 and Ex-C8.

4.The Reference Court relied upon other evidence apart from the admission of RW1 and RW2 during the course of cross examination. It is admitted that the acquisition is for the purpose of forming a residential lay out by the Housing Board. The selection of land was on the basis of the report to the effect that the lands are fit for construction of building. It is admitted that on the northern side of the acquired land, the main road is located. It is also admitted by RW-1 that the land is surrounded by educational institutions (Colleges and Corporation School) Panchayat Union Building, Marriage House and NCC Office. Within 1 km from the acquired land, the quarters for the employees of Electricity Board is located. The location of residential colony adjoining the acquired land is also admitted. On the western side of the acquired land existence of factories are also admitted. However, the substantial portion of the village, known as Allampatti is within Virudhunagar Municipality. Considering the potentiality of the lands, the Reference Court accepted the documents Ex-C6 and Ex-C8. Ex-C6 is a sale deed dated 13.11.1996, wherein an extent of 1456.875 sq.ft. has been sold for a sum of Rs.14,000/-. Ex-C8, dated 27.01.1997 an extent of 712 sq.ft., has been sold for a sum of Rs.10,500/-. As per Ex-C6, the market value works out to Rs.4190/- in 1996. As per Ex-C8, the market value works out to Rs.6121/- in 1997. The Reference Court though fixed market value by accepting Ex-C8, where the market value works out to Rs.6,121/- in 1997, has fixed compensation only at Rs.4,000/- per cent.



5. Having regard to the admission of respondents with regard to the facts that the lands in and around are fully developed, conclusion of the Reference Court that the acquired land should be valued as a house site cannot be faulted. The admission of RW1 and RW-2 clearly indicates that very near the acquired land, educational institutions, marriage house and other commercial establishments are located. The acquired lands are also located abutting the main road. The bona fides of the transactions under Ex-C6 and Ex-C8 are not disputed. In such circumstances, this Court has no reason to interfere with the judgment of the Reference Court in fixing the market value at Rs.4,000/- per cent and other the statutory benefits that was awarded by the Reference Court. Hence these appeals are dismissed and the judgment and decree in LAOP Nos.31, 32 and 33 of 2000, dated 09.06.2006 on the file of the Sub Court, Srivilliputhur is confirmed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Court, Srivilliputhur.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+3cc to M/S.D.Sakkaravarthi, Advocate SR.No. 59623

+1cc to Special Government Pleader, SR.No. 60171

Judgment made in
A.S.(MD) Nos.36 to 38 of 2018
04.04.2018

cmr

JM/SV MMS/SAR 4/08.05.2018/3P/8C