IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

A.S.No.208 of 2016
and
C.M.P.Nos.3060 and 3061 of 2016

The Special Tahsildar (LA),
SIPCOT, Hosur. ... Appellant

Vs.

1.Venkattaswamy
S/o.Naduppanna

2.The Project Officer,
SIPCOT Limited,
Hosur. ... Respondents

First Appeal filed u/s.54 of the Land Acquisition Act against the judgment and decree of learned Subordinate Judge, Hosur, passed in L.A.O.P.No.10 of 2007 dated 28.07.2009.

For Appellant : Mr.P.H.Arvind Pandiyan,
Additional Advocate General - II
assisted by Mr.J.Balagopal,
Special Government Pleader

For Respondents: Mr.V.Raghavachari [R1]

JUDGMENT

[Judgment was delivered by R.SUBBIAH, J]

This appeal has been filed by Special Tahsildar, Land Acquisition, for the State Industries Promotion Corporation of Tamil Nadu (hereinafter referred to as 'SIPCOT') questioning the enhancement of compensation granted by Sub Court, Hosur, in reference u/s.18 of the Land Acquisition Act.

2. The Land Acquisition Officer, on the request made by SIPCOT towards development of certain land for the promotion of an industrial complex, initiated proceedings under the Land Acquisition Act. In this regard, a notification u/s.4(1) of the Land Acquisition Act, 1894, was published in Tamil Nadu Government Gazette on 23.08.2000. Thereafter, due enquiry was conducted with the owner and Award No.1 of 2007 dated 16.03.2007

was passed fixing compensation at Rs.500/- per cent. For fixing the value, the Land Acquisition Officer considered the land in S.No.510/1A, 3A measuring an extent of 0.84.0 Hectare, which was sold for Rs.1,03,500/-. The land owners, not satisfied with such fixation of compensation, sought reference u/s.18 of the Land Acquisition Act and the same was taken on file in L.A.O.P.No.10 of 2007 on the file of Sub Court, Hosur. The Court below, after conducting trial and taking note of the documents produced, found that the lands in the same village have been sold for Rs.18,72,260/- per acre, fixed compensation at Rs.8,000/- per cent after deducting 57% towards development charges. Challenging the same, the present appeal has been filed by Special Tahsildar (LA), SIPCOT, Hosur.

3. Heard learned Additional Advocate General for appellant and learned counsel for first respondent.

4. Learned Additional Advocate General appearing for appellant submits that the Court below has failed to see that the acquired land is situated only within the Village Panchayat Limit and without considering the documentary evidence, wrongly fixed the market value at Rs.8,000/- per cent. Learned Additional Advocate General mainly contends that deduction of 57% towards development charges is very low. However, learned Additional Advocate General fairly submits that in respect of the very same notification, connected appeals filed by appellant were dismissed by this Court.

5. As rightly submitted by learned Additional Advocate General, this Court has already dealt with the issue involved in this appeal. This Court, under judgment dated 06.07.2015 in A.S.No.422 of 2010 and etc. batch, has observed thus:

> '12. It is seen from the judgement delivered on 05.08.2010, by K.CHANDRU,J. in A.S.Nos.429 to 442, 545 to 547, 553 to 562, 536 to 573 and 720 to 729 of 2008 that, in respect of lands acquired under Phase-I of the very same project, the learned Judge has upheld the deduction of 40% towards development charges and upheld the fixation of compensation at Rs.1,00,660/- per acre, awarded by the Land Acquisition Tribunal. When the deduction of development charges at 40% itself has been approved, the appellant cannot have any objection to the deduction of 57% towards development charges. The decision of the learned Judge dated 5.08.2010 related to the acquisition under Phase-I, where the notification under Section 4(1) of the Act had been issued, on 6.9.1995. In the cases on hand, the Notification under Section 4(1) had been

issued in August 2000. During this period of five years, the lands acquired for Phase-I had been developed and about 300 industries had already come up. Therefore, the Tribunal, in our considered view, was right in taking note of two important things, namely, (i) after the acquisition for Phase-I, lots of development had virtually taken place and the land had become a prime land and (ii) that the Government was prepared to pay a rate up to Rs.5 lakhs per acre through negotiations under the provisions of the Tamil Nadu Industrial Acquisition Act, 1999 (Tamil Nadu Act 10 of 1999). In such circumstances, we find no justification to interfere with the awards passed by the Land Acquisition Tribunal, especially when the Tribunal has awarded the compensation on the basis of the aforesaid two factors and had gone to the extent of deducting 57% towards development charges. Hence, all the above appeals are dismissed. There will be no order as to costs. Connected miscellaneous petitions are dismissed.'

6. We find that the aforesaid observation of this Court in the connected appeals is squarely applicable to the present appeal and we find no reason to take a different view than that of the view earlier taken by this Court.

For the aforesaid reasons, the First Appeal is dismissed. No costs. Connected miscellaneous petitions are also dismissed. The requisitioning body is granted twelve weeks time to deposit the balance amount, after adjusting the amount already deposited.

Sd/-
Assistant Registrar(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Hosur.

Copy to : The Section Officer, V.R.Section,
High Court of Madras, Chennai -104.

AKM/05.02.2020 /3P-3C/

A.S.No.208 of 2016