

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Second Appeal No.274 of 2019

The Land Acquisition Officer cum
Spl. Tahsildar (ADW)
Mannargudi.

.. Appellant/Respondent in AS

Vs

M.R.Ramanathan
rep. By his Power of Attorney
Thiru S.Durairaj

.. Respondent/Claimant in As

Prayer:- Second Appeal filed under Section 13 of the Tamilnadu Acquisition of land for Harijan Welfare Scheme Act (Act 31/78) r/w. Section 100 of C.P.C., against the judgment and decree dated 15.02.2002 made in A.S.No.15 of 2000 on the file of Sub-Court, Tiruvarur modifying the award dated 24.11.1998 made in Award No.Na.Ka.510/98-A passed by the Land Acquisition Officer cum Spl. Tahsildar (ADW) Mannarkudi.

For Appellant : Mr. DevNarendran,
Government Advocate (CS)

JUDGEMENT

The Land Acquisition Officer, who is the respondent in the first appeal filed for enhancement of compensation, is the appellant herein.

2. The facts leading to filing of the Second Appeal is as follows :-

In the year 1998, a Land Acquisition Proceeding has been initiated under the Tamilnadu Acquisition of land for Harijan Welfare Scheme Act (herein after called as "Act"). The respondent's lands were sought to be acquired for providing house to Aadhidraavidar Community people. Subsequently, an award came to be passed on 24.11.1998 fixing the market value at the rate of Rs.270/- per cent. Feeling aggrieved with the award, the respondent-land owners sought for a reference and the

reference Court, after considering the entire materials available on record, enhanced the market value at the rate of Rs.700/- per cent. Now, being aggrieved with the same, the present Second Appeal has been filed by the Land Acquisition Officer.

3. I have heard the learned Government Advocate appearing for the appellant and also perused the materials available on record.

4. In the Reference Court, the respondent/land owner relied upon three sale deeds executed by the respondent in the year 1998, wherein, he sold 7 cents of the land for a sum of Rs.27,300/- and he sold 5 cents each under two sale deeds separately for a sum of Rs.20,000/- and the same was not taken into consideration by the Land Acquisition Officer. In the above circumstances, considering all the 3 documents, the reference Court enhanced the compensation from Rs.270 to Rs.700 /- per cent.

5. A perusal of the records shows that the sale was made by the same respondent one year prior to the land acquisition proceedings and he sold the lands at the rate of Rs.4,000/- per cent and further the reference Court only enhanced the market value and fixed the market value at the rate of Rs.700/- only, which is much less the market value in the sales made by the respondent. Hence, I find no illegality or perversity in the order passed by the First Appellate Court below. I find no merit in the second appeal.

6. In the result, the Second Appeal is dismissed and the decree and judgement of the First Appellate court modifying the award passed by the Land Acquisition Officer cum Special Tahsildar(ADW) Mannargudi is confirmed. There shall be no order as to costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Tiruvarur

2. The Special Tahsildar cum Land Acquisition Officer (ADW),
Mannargudi

+1cc to The Special Government Pleader(CS) sr.15340

S.A.No.274 of 2019

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