IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.NOS.251 OF 2004 & 403 OF 2010

A.S.No.251/2004

G.Rengasamy ... Appellant/Claimant

Vs.

1. Land Acquisition Officer cum
Deputy Tahsildar, Cheyyar.
Thiruvannamalai District. .. 1st Respondent/Referring Officer

2. The Manager,
M.G.R.Transport Corporation Ltd.,
Vandavasi. ..2nd Respondent/2nd Respondent

A.S.No.403/2010

Sivagami ... Appellant/Claimant

Vs.

1. Land Acquisition Officer cum
Deputy Tahsildar, Cheyyar,
Thiruvannamalai District. ... 1st Respondent/Referring Officer

2. The Manager,
M.G.R.Transport Corporation Ltd.,
Vandavasi. ..2nd Respondent/2nd Respondent

COMMON PRAYER:

Appeals under Section 54 of the LA Act, 1894, against the judgment and decree made in LAOP Nos.2 of 2000 and 3 of 2000 respectively on the file of Subcourt, Cheyyar, Thiruvannamalai dated 16.03.2001.

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For Appellants : Mr.P.Seshadri
[in both ASs.]

For Respondents : Mr.J.Balagopal for R1
[in both ASs.] Special Government Pleader
Mr.C.S.K.Sathish for R2
Standing Counsel

COMMON JUDGMENT

The Appeal Suits are directed against the common judgment and decree passed by the Sub Court, cheyyar, Thiruvannamalai District, enhancing the compensation from Rs.195 per cent to Rs.700 per cent.

2. The Appeal Suits are filed by the claimants mainly on the ground that the enhancement of compensation is unjust and not fair. In support of the said contentions, the learned counsel appearing on behalf of the appellants made a submission that the claimants had submitted two important documents, one the sale deed executed by one Mr.Rangasamy in favour of his wife Smt.R.Sivagami and the other document is the layout in respect of the lands which all are acquired for the purpose of developing additional Depot for Transport Corporation. In respect of the land acquired, the owners had already taken a decision to form a layout and divide the same as housing sites and sell the same to third parties. The layout had formulated and after formation of the layout, the acquisition proceedings were initiated. Thus, the amount of compensation fixed is not in commensuration with the actual market value which was prevailing during the relevant point of time.

3. The learned counsel for the appellants further made a submission that even the sale deed registered between Mr.Rangasamy and his wife Smt.R.Sivagami, the Sub-Registrar office had raised an objection regarding the market value of the land which was registered. The objection was that the property was under valued and the rate fixed was Rs.13 per square feet and taking note of all these factors, the LAOP Court ought to have enhanced the compensation as claimed by the claimant.

4. The learned Special Government Pleader appearing on behalf of the Land Acquisition officer disputed the said contention by stating that the document marked as Ex-C1 is a topography sketch which cannot be a basis for fixation of compensation. In the absence of any valid documents to establish the market value as claimed by the claimants, the enhancement already granted by the LAOP Court is to be accepted. The Land Acquisition Officer fixed the compensation as Rs.195 per cent

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and LAOP Court further enhanced the compensation to Rs.700 per cent and it is to be construed as a just compensation for all purpose and the same requires no inference.

5. The learned counsel appearing on behalf of the Transport Corporation also reiterated that there is no ground for further enhancement as the LAOP Court itself had considered all these documents and enhanced the compensation to Rs.700 per cent.

6. This Court is of the considered opinion that the acquisition proceedings commenced in the year 1990. The award was passed during the year 1992. The property which was acquired situates in the town of Vandavasi, now in Tiruvannamalai District and previously in Vellore District. Therefore considering the market value prevailing during the relevant point of time, the Court considered the documents. Let us examine the documents produced by the claimants before the Trial Court. As far as the Ex-C1 is concerned, it is a topography sketch and lay out formed in respect of the land acquired. Layout alone cannot be a ground for seeking enhancement. Formation of layout privately by the owners at their discretion cannot be a point for granting enhancement of compensation in respect of the land acquired. Therefore, Ex-C1 is of no avail for the claimant for granting enhancement of compensation.

7. As far as the Ex-C2 document is concerned, it is the registered sale deed executed by Mr.Rangasamy in favour of his wife Smt.R.Sivagami. The sale deed was registered on 11.05.1990, during the period which the acquisition proceedings was proposed.

8. Probably such a sale deed would have been executed on receipt of certain informations regarding the acquisition proceedings. This apart, husband executing a sale deed in favour of his wife during the same year cannot be trusted upon for the purpose of fixing a just compensation. No other reason has been assigned for such sale of property by the husband in favour of his wife and therefore based on such sale deed, the compensation cannot be enhanced. In all such circumstances, the claimants if produced some documents in respect of the registrations done by the other parties in the nearby or adjacent area, then alone the Courts can consider the said documents for the purpose of enhancement of compensation and not otherwise. Mr.Rangasamy is the claimant whose lands were acquired and he who registered sale deed in favour of his wife. This being the factum, the said document cannot be a point for grant of further enhancement in favour of the claimants.

9. On perusal of the findings of the Trial Court, this Court is of an opinion that the enhancement of compensation from

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Rs.195 per cent to Rs.700 per cent was done by the Trial Court, considering the documents filed by the claimants. Thus, there is no infirmity or perversity in respect of the findings arrived by the Trial Court in appreciation of the document filed by the respective parties to the lis on hand.

10. This being the opinion of this Court, this Court is not inclined to grant any further enhancement and the enhancement already granted is to be construed as a just compensation which is in consonance with the provisions of the acquisition laws and accordingly the common judgment and decree dated 16.03.2001 in LAOP Nos.2 of 2000 and 3 of 2000 are confirmed. Consequently, A.S.No.251 of 2004 and A.S.No.403 of 2010 stand dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pkn.

To

The Subordinate Judge,
Cheyyar, Thiruvannamalai.

+2cc to Mr.C.S.K.Sathish, Advocate, S.R.No.2385 & 2386

A.S.Nos.251 of 2004 & 403 of 2010

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