

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

A.S.No.72 of 2011

Venkatasami

... Appellant/Claimant

Versus

1. The Special Tahsildar (L.A.),
SIPCOT, Hosur.
 2. The Project Officer,
SIPCOT,
Bangalore Road,
Hosur.
- ... Respondents/Respondents

First Appeal is filed under Section 54 of the Land Acquisition Act against the judgment and decree passed in LAOP.56 of 1997, on the file of the Subordinate Court, Hosur, dated 26.04.2010.

For Appellant : Mr.V.Lakshminarayanan

For Respondents: Mr.J.Balagopal Spl.G.P.(AS)

JUDGMENT

This appeal has been filed by the claimant in L.A.O.P.No.56 of 1997 on the file of the Sub-Court, Hosur.

2. The Government issued Notification under Section 4(1) of the Land Acquisition Act, for acquiring various lands in Morannapalli Village, Hosur, for the purpose of locating SIPCOT, Unit-II, at Hosur. After complying with the procedures, the Land Acquisition Officer acquired the land and assessed the compensation at Rs.2,48,630.20 per hectare. Not being satisfied with the same, objection was raised by the land owner. Hence, a reference was made under Section 18 of the Act before the Sub Court, Hosur.

3. Before the Reference Court viz., the claimant examined himself as P.W.1 and 11 documents were marked as Ex.A.1 to 11. On the side of the respondents, no witness was examined and no document was marked. After considering both oral and documentary evidence adduced on either side, the Reference Court has enhanced the compensation amount to Rs.3,26,000/- per acre.

4. Being dissatisfied with the Award passed by the Reference Court, the appellant / claimant has preferred this appeal.

5. Heard the rival submissions and perused the materials placed on record.

6. According to the learned counsel for the appellant, reduction of 60% done by the Reference Court, towards development charges, is wholly arbitrary and illegal. It is further submitted that the connected appeals, which were filed by the Government in respect of the adjacent land owners covered under the same Notification, this Court has applied only 40% development charges in A.S.Nos.429 to 442 of 2008 etc.

7. The said submission of the learned counsel for the appellant / claimant is not disputed by the learned Government Advocate. It is also stated that against the judgment in A.S.Nos.429 to 442 of 2008 etc., the Government preferred SLP. (Civil).Nos.13206 to 13251 of 2011, and the Hon'ble Apex Court has confirmed reduction of 40% towards development charges.

8. The relevant portion in the judgment passed by the Hon'ble Supreme Court in the said SLPs is as follows:-

"The learned Single Judge held that the Reference Court was justified in relying upon the two sale deeds of 1994 for the purpose of fixing market rate and deduction of 40% was also justified.

We have heard learned counsel for the petitioners and carefully perused the record. In our view, the Reference Court had rightly applied the principles laid down by this Court for determination of the compensation and the High Court did not commit any error by refusing to interfere with the said determination.

The special leave petitions are accordingly dismissed."

9. It is brought to the notice of this Court that subsequent to the dismissal of the above said SLPs, a batch of Appeal Suits in A.S.Nos.874 to 876 of 2010 etc., covered under the same Notification, were also dismissed by a learned Single Judge vide judgment dated 27.02.2012.

10. In the light of the above undisputed facts, the development charges is reduced to 40% instead of 60% as applied by the Reference Court and in all other respects, the Judgment / Final Order in L.A.P.No.56 of 1997 by the Sub Court, Hosur is confirmed. In fine, the appeal is partly allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Court,
Hosur.
2. The Special Tahsildar (L.A.),
SIPCOT, Hosur.
3. The Project Officer,
SIPCOT,
Bangalore Road,
Hosur.
4. The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate Sr.23589
+1cc to the Special Government Pleader Sr.23730

A.S.No.72 of 2011

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srg 16/12/2020

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