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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

A.S.No.724 of 2010

The Land Acquisition Officer and
Sub Collector,
Hosur.

... Appellant/Respondent

Vs.

Venkattamma

... Respondent/Claimant

Appeal Suit filed under Section 54 of the Land Acquisition Act against the Judgment and Decree, dated 29.08.1997, passed in L.A.O.P.No.722 of 1996 on the file of the Subordinate Judge, Hosur.

For Appellant : Mr.J.Balagopal
Special Government Pleader (A.S.)

For Respondent : No appearance

J U D G M E N T

This appeal is directed against the order of Subordinate Judge, Hosur in L.A.O.P. No.722 of 1996 enhancing the market value from Rs.1,50,000/- per acre to Rs.3,05,200/- per acre.

2. The lands belonged to the respondents were acquired for the purpose of formation of inner ring road around Hosur. The lands are located in the place known as Motham Agraharam, Hosur Taluk. A total extent of 6.16.5 Hectares of land including a small extent of land which belong to the respondents was acquired. The Land Acquisition Officer relying upon the sale exemplar dated 06.11.1989, fixed the market value at the rate of Rs.1,453 per cent. As per the sale exemplar, an extent of 20 cents was sold for a sum of Rs.30,000/-. Aggrieved by the quantum of compensation determined by the Land Acquisition Officer, the respondents preferred a petition under Section 18 of Land Acquisition Act seeking reference. Accordingly, the matter was entertained by the Sub Court, Hosur in L.A.O.P. No.722 of 1996. Before the Land Acquisition Tribunal, Exs. A1 to A4 were marked on behalf of the claimants. As per Ex.A1, an extent of 700 sq.ft. in the survey number in S.No.91/2 was sold for a sum of Rs.7,000/-. As per these documents the market value comes to Rs.10/- per sq. ft. Similarly, Ex.A4 was marked and



this document is dated 28.07.1989. An extent of 264 sq.ft. was sold for a sum of Rs.3,000/- and hence, this document works out to Rs.11.36/- per Sq.ft. Based on the documents, the lower Court fixed the market value at Rs.3,05,200/- per acre equivalent to Rs.3,052/- per cent. Aggrieved by the same, this appeal is preferred by the appellant.

3. Learned Special Government Pleader appearing for the appellant submitted that the reference Court erred in relying upon the sale transaction pertaining to developed land for fixing the market value for acquired lands which according to him are far away from developed area. He submitted that the Court below has erroneously calculated the market value on Square feet basis which is contrary to the dictum of Hon'ble Supreme Court. Since the sale deed in respect of small piece of land was relied upon, he submitted that there must be proper deduction. The property has been acquired for the purpose of formation of inner ring road and hence, the entire land acquired is utilised for that purpose. The Hon'ble Supreme Court had occasions to rule that the highest value as seen from the sale exemplars should be preferred. In this case, as per Ex.A4, the market value comes to Rs.11.36/- per sq.ft. This works out to Rs.5,000/- per cent.

4. Having regard to the evidence of P.W.1 and P.W.2 and the other documents, this Court is of the view that the claim for enhancement is supported by materials. No one is examined on behalf of the appellant to discredit the evidence of P.W.1 or P.W.2 with regard to the potentiality of the land as well as the value of the land as on the date of notification issued under Section 4(1) of the Land Acquisition Act. As a matter of fact, the document Ex.A4, dated 28.07.1999 is just one year prior to the notification under Section 4 (1) of the Land Acquisition Act. It is also permissible to allow 10 to 12% per annum towards escalation of price for lands. Accordingly, from the document Ex.A4, the market value can be determined at Rs.5,600/- per cent. Even after deducting $1/3^{\text{rd}}$ from the amount, the compensation will be more than the amount arrived at by the lower Court.

5. This Court is unable to find any other reason to interfere with the award of learned Subordinate Judge, Hosur in L.A.O.P. No.722 of 1996 dated 29.08.1997. Accordingly, the Appeal Suit is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar



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To

The Subordinate Judge,
Hosur.

+1cc to the Special Government Pleader(AS), S.R.No.34734

A.S.No.724 of 2010

VD(CO)
GN(25/08/2021)