

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

S.A.No.776 of 2010

- 1.The Collector of South Arcot,
Cuddalore.
- 2.The Special Land Acquisition Officer,
Harijan Welfare, Cuddalore. ... Appellants/Respondent

Vs.

Sowri Ammal ... Respondent/Claimant

PRAYER: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree dated 09.08.2002 made in L.A.C.M.A.No.29 of 1996 on the file of the Sub-Court, Cuddalore modifying the award dated 23.02.1996 made in Award No.4/1995-96 by the Special Tahsildar(ADW), Cuddalore.

For Appellants : Mr.Manikandan
AGP (CS)

For Respondent : No appearance

J U D G M E N T

(The case has been heard through video conference)

This second appeal is preferred against the award passed by the Special Land Acquisition Officer, Cuddalore in respect of a piece of land acquired from the respondent for the welfare of Harijan under Section 9 of Tamil Nadu Act 31 of 1978.

2. The appellant herein acquired 0.14.5 hectare of land comprised in Survey No.33/11 at Karunguzhi village, Cuddalore Taluk owned by the respondent. The land acquisition award No.4/1995-96 dated 23.02.1996 was passed fixing a compensation of Rs.34,400/- per acre and awarded 15% solatium. A total sum of Rs.14,168.40/- was awarded by the Acquisition authority. Aggrieved by that the respondent herein preferred an appeal for enhancement of compensation.

3. The Tribunal considered the material placed before it and granted additional compensation of

Rs.10,154.50/- with interest at the rate of 6% per annum from the date of taking possession till the date of compensation.

4. Aggrieved by the compensation enhanced by the Tribunal the appellants have preferred the second appeal particularly on the ground that the market value fixed by the Tribunal to enhance the compensation was not based on any logical material. While the acquisition proceedings commenced in the year 1985 and 4(1) notification was on 22.11.1995. The sale referred for fixing the enhanced compensation was of 01.02.1993. Therefore, the said document Ex.A2 ought not to have given much credent.

5. Taking note of the date of transaction and the date of 4(1) notification, this Court on perusing the record and the documents relied finds that the award passed by the Acquisition Authority was marginally enhanced by the Tribunal increased the compensation to Rs.24,322.50/- from Rs.14,168.40 for which it is relied upon Ex.A2. The said enhancement cannot be construed as done without any basis. Neither Ex.A.2 can be rejected as irrelevant because it was during the pendency of acquisition proceedings. I find no merit in this Second appeal to entertain. Hence, the Second Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

rpl

To

1.The Special Tahsildar(ADW), Cuddalore.

2.The Sub Judge, Cuddalore.

3.The Section Officer, V.R.Section, High Court, Madras.

+1cc to Special Government Pleader SR.No.26337

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NRL(CO)

GMV(07/09/2020)