

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.Nos.300 of 2017
and
C.M.P.Nos.11284 of 2017

The Special Tahsildar,
(Adi Dravidar Welfare),
Gudiyatham Taluk,
Vellore District.Appellant/2nd Respondent

Vs.

1.S.R.Neelagandan
2.The District Collector,
Vellore District,
Vellore.Respondents/Petitioner
&1st Respondent

Prayer : First Appeal filed under Section 54 of the Land Acquisition Act, against the Judgment & Decree dated 10.03.2015 passed in LAOP No.1 of 2013 on the file of the Court of the Subordinate Judge, Vellore.

For Appellant : Mr.J.Balagopal
Special Government Pleader

For Respondent : Mr.M.S.Mani[For R1]
No appearance for R2

J U D G M E N T

The appeal suit is filed, challenging the judgment and decree passed by the Sub-Court, Vellore in L.A.O.P.No.1 of 2013 dated 10.03.2015.

2. The Special Tahsildar, (Adi Dravidar Welfare), Gudiyatham Taluk, Vellore District, is the appellant and filed the first appeal, challenging the enhancement of compensation granted by the Sub Court of Vellore.

3. The learned Special Government Pleader appearing on behalf of the appellant mainly contended that the enhancement is not only exorbitant but in violation of the provisions of the Land Acquisition Act. The document relied on by the trial Court in Ex.A5 is with reference to a smaller extent of land and

therefore, trial Court ought not have granted such an exorbitant compensation, which is unjust.

4. The Land Acquisition Officer considered various documents with reference to the adjacent land and accordingly fixed Rs.1.23 per square feet. However, the trial Court enhanced the compensation of Rs.21/- per square feet and under those circumstances, the appeal is filed by the appellant.

5. The learned counsel appearing on behalf of the appellant/petitioner opposed the contention by stating that the land is acquired for the purpose of developing houses for the welfare of Adi Dravidar people and the land is situated in the urban areas and therefore, the enhancement is in accordance with the provisions of the Act and there is no infirmity, as such.

6. Perusal of the findings arrived by the trial Court, this Court is of the considered opinion that the Land Acquisition Officer fixed the compensation of Rs.1.23 per square feet and the trial Court examined the witnesses, who in turn, deposed that the land situated in urban areas and Ex.A5, is also a document which was registered prior to the issuance of 4.1. notification. Under these circumstances, trial Court considered the market value based on a document marked as Ex.A5 and accordingly granted enhanced compensation of Rs.21/- per square feet.

7. Perusal of the entire judgment as well as witnesses, this Court did not find any perversity or infirmity and this apart, the land acquired is situated in the urban areas and acquired for the purpose of developing houses for the welfare of the Adi-Dravidar people.

8. This being the factum of the case, this Court do not interfere with the enhanced compensation. However, the trial Court has not deducted the development charges of 33% as per the Hon'ble Supreme Court Judgment. Thus, the development charges alone to be deducted and in respect of the other findings, the trial Court judgment is to be confirmed.

9. Accordingly, the judgment and decree passed by the Sub Court, Vellore in L.A.O.P.No.1 of 2013 dated 10.03.2015 stands confirmed.

10. However, the appellant is entitled to deduct 33% towards the development charges and accordingly calculate the amount of compensation and settle the same in favour of the respondents / claimants. The respondents/claimants are entitled for all other statutory benefits in accordance with law.

11. The appellant is directed to settle the compensation amount in favour of the respondents / claimants within a period of three months from the date of receipt of the copy of this judgment.

12. Consequently, the First Appeal in A.S.No.300 of 2017 stands partly-allowed. However, there shall be no order as to costs. Connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Vellore.

2.The District Collector,
Vellore District,
Vellore.

Copy to

The Section Officer,
VR Section, High Court,
Madras.

+1cc to the Special Government Pleader sr.16853
+1cc to Mr.M.S.Mani, Advocate Sr.15998

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A.S.Nos.300 of 2017

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srg 07/12/2020

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