



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S.(MD).No.10 of 2019 and
CMP(MD).No. 440 of 2019

The District Revenue Officer,
Tiruchirappalli.

.. Appellant/Respondent/
Referring Officer

Vs.

Chellammal

.. Respondent/Appellant/
Claimant

Prayer: Appeal Suit filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree, dated 29.06.2017, passed in LAOP.No.1 of 2013, on the file of the II Additional Subordinate Court, Trichy, confirming the Award passed in Na.Ka.No.C1/69178/2006, dated 16.05.2011, on the file of the District Revenue Officer, Trichy.

For appellant : Mr. J. Gunaseelan Muthiah
Additional Government Pleader

For respondent : Mr. K. Govindarajan

J U D G M E N T

This Appeal Suit is filed against the Judgment and Decree, passed in LAOP.No.1 of 2013, on the file of the II Additional Subordinate Court, Trichy, confirming the Award passed in Na.Ka.No.C1/69178/2006, dated 16.05.2011, on the file of the District Revenue Officer, Trichy.

2. The appellant / District Revenue Officer has issued a Notification for acquiring the lands for the purpose of the formation of Thuraiyur by pass Road. In that acquisition proceedings, the respondent's land situated in T.S.No.8 / 2B, Block No.7, Ward-E of Thuraiyur Village, Thuraiyur Taluk, Tiruchirappalli District was acquired to an extent of 3631 Square Meter. The Land Acquisition Officer has fixed the compensation at Rs.10,21,760/- per Acre. Not satisfied with the compensation



awarded, the claimant has raised an objection and the matter was referred to the II Additional Subordinate Judge, Tiruchirappalli.

3. Before the Tribunal, on the side of the respondent / claimant two witnesses were examined as CW.1 and CW.2 and Nine documents were marked as Exs.C1 to C9. On the side of the appellant, an official from Sub-Registrar Office was examined as RW.1 and one document was marked as Ex.R1 and two documents were marked by third party as Exs.X1 and X2.

4. The Tribunal after, considering the materials placed, came to the conclusion that the value fixed by the Land Acquisition Officer is very meagre and unreasonable and relying on a registered sale deed, dated 02.06.2008 marked as Ex.C5, had fixed the market value at Rs.75/- per Square Foot.

5. The learned Additional Government Pleader appearing for the appellant would contend that fixation of market value of the acquired land by the Tribunal is exorbitant. The nature of the land is Punja land and therefore, the value fixed by the Land Acquisition Officer should have been accepted. Even assuming that the market value has been fixed as per Ex.C5, the Tribunal must have deducted 40% towards developmental charges and hence, the Award passed by the Tribunal is liable to be set aside.

6. I have considered the rival submissions made on either side.

7. At the outset, it is an admitted fact that the acquired land is situated within the Thuraiyur Town. The Tribunal has categorically discussed the potentiality of the land and also regarding the development of surrounding property. According to the respondent / claimant, the property is surrounded by Government Hospital and Viji Bharathi School and around 200 houses in that locality. Those facts are not denied by the appellant. In fact, the appellant have not let in any evidence or marked any documents contrary to the claim made by the respondent / claimant. RW.1, who is the official from the Sub-Registrar's office deposed that the land value in that area is minimum of Rs.75/- per Square Feet and maximum of Rs.150/- per Square Foot and if it comes for registration, the Registrar will value it at Rs. 150/- per Square Foot.

8. Now, coming to documentary evidence, the sale document marked as Ex.C2 is a property measuring an extent of 4265 Square Feet of land sold for Rs.1,00,000/-. The value of property works out to Rs.23/- per Square Foot. This value was not accepted by the Sub Registrar and it was referred to the District Collector for determination of the market value, as it was considered that the



property was under-valued. On redetermination, the value was fixed at Rs.75/- per Square Foot and the purchaser was directed to deposit appropriate Stamp Duty and Registration charges.

9. The above sale document was registered prior to the notification issued under Section 4(1) of the Act. Hence, the Tribunal fixed the market value at Rs.75/- Square Foot and enhanced the compensation. In fact, the award of compensation is on the lower side, for, the evidence of RW.1 show that the Sub Registrar's Office had registered another property which situate in the very same Survey Number valuing it at Rs.150/- per Square Foot. However, relying on the redetermination of the market value of the land in respect of Ex.C2 fixed the compensation at Rs.75/- per Square Foot. In such circumstances, I do not find any infirmity in the order enhancing compensation upon fixing the market value of the property at Rs.75/- per Square Foot.

10. The evidence of the parties goes to show that the property situated in Thuraiyur Town, which is a well developed and there is scarcity of land within the town limits. Therefore, the acquired land being a house site in the thickly populated area and within the Town limit, it will not require any further development. In the said circumstances, the contention of the learned Additional Government Pleader that deduction towards developmental charges should have been made is untenable. Therefore, I am not inclined to interfere with the Award passed by the Tribunal. The Award, accordingly is confirmed. The appeal merits no consideration and the same is dismissed.

11. Insofar as the interest on solatium and compensation on other heads are concerned, it shall be given to the respondent / claimant in terms of Section 34 of the Land Acquisition Act, 1894. The appellant is directed to deposit the above said amount within a period of three months from the date of receipt of a copy of this Judgment. On such deposit, the respondent / claimant is entitled to withdraw the same on production of proof of identity. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The II Additional Subordinate Judge,
Trichy.
 2. The District Revenue Officer,
Tiruchirapalli.
 3. The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai-2 copies
- +1 cc to Mr.K.Govindarajan , Advocate SR.No.25355
- +1 cc to The Special Government Pleader Sr.No.25409

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