



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S(MD).No.126 of 2014 and
M.P(MD).No. 1 of 2014

The Revenue Divisional Officer - Cum -
Land Acquisition Officer,
Pudukkottai. : Appellant/Referring Officer

Vs.

1.K. Rajamanickam Chettiar (died)
2.R. Manokaran
3.R. Sukumar
4.Manimekalai
5.Sellavel
6.R.Sekar
7.Gunasundari
(R2 to R7 are impleaded as proposed respondents,
vide Court order dated 16.08.2018 made in
CMP(MD).No.10894 in A.S(MD).No.126/2014)

.. Respondents/Claimants

Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree passed in LAOP.No.76 of 2002, dated 12.02.2009 on the file of the Sub Court, Pudukkottai.

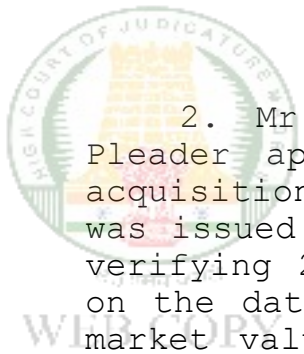
For appellant : Mr. J. Gunaseelan Muthiah
Additional Government Pleader

For R1 : Died

For respondents 2 to 7 : Mr. R. Balakrishnan

JUDGMENT

Aggrieved over the enhancement of compensation by the Sub Court, Pudukkottai, in LAOP.No.76 of 2002, dated 12.02.2009, the appellant / Revenue Divisional Officer - Cum - Land Acquisition Officer has preferred the present Appeal Suit.



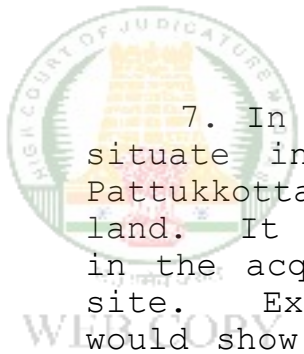
2. Mr. J. Gunaseelan Muthiah, learned Additional Government Pleader appearing for the appellant would submit that the land acquisition notice under Section 4(1) of the Land Acquisition Act, was issued on 30.06.1991. After conducting spot inspection, after verifying 20 sale deeds relating to the adjacent lands and relying on the data documents, the Land Acquisition Officer determined the market value at Rs.150/- per Cent. Not satisfied with the Award amount, the claimant sought for reference under Section 18(1) of the said Act before the Court below. The Court below, relying on the sale deed adjacent to the land marked as Ex.P3, dated 12.11.1999, has fixed the market value at Rs.1,500/- and deducted 10% towards development charges.

3. The learned Additional Government Pleader appearing for the appellant would contend that the larger extent of land was acquired for constructing Bus Depot and hence, the Court below should have deducted atleast 40% towards development charges, whereas it was deducted only 10%, which is erroneous. Apart from that, enhancement of Rs.1500/- from Rs.150/- is too excessive and, therefore, he would seek modification of the Award passed by the Court below.

4. Countering the said submission, the learned counsel appearing for the respondents would contend that there is no dispute with regard to the nature of land, which is a developed site and RW.1, in his cross examination, admitted that certain Mills are existing in the acquired land and Pattukkottai - Karambakkudi Road is running adjacent to the land. He would further contend that the document relied on by the appellant was far away from the acquired land and, therefore, the Court below has rightly relied on the document which is adjacent to the acquired land and fixed the market value at Rs.1,500/-. Therefore, he would submit that the Award need not be interfered with.

5. I have considered the submissions of both sides and perused the materials available on record.

6. Admittedly, based on the evidence of RW.1, the Court below has verified the sale deeds marked as Exs. P3 to P6 and found that the land acquired is adjacent to the land which was sold vide Ex.P3 and the lands sold vide Exs. P4 to P6 were far away from the acquired lands and therefore, relying on Ex.P3, fixed the market value at Rs.1,500/- per Cent. It is true to state that when the larger extent of lands are acquired for public purpose, the Courts below while considering the enhancement of market value of the land, shall take into consideration sale of larger extent of lands rather than small pieces of lands sold for fancy prices. However, while fixing the compensation, the Courts below should also bear in the mind access to the acquired land, nature and fertility of the land, future prospects of the development and requirement of the services, economy, length and breadth and potentialities.



7. In that view of the matter, as contended, the acquired land situate in Melapatti - Pasiyangulam nearby Alangudi Town and Pattukkottai - Karambakudi road is running adjacent to acquired land. It is also admitted by RW.1 that certain Mills are existing in the acquired land and the land acquired is a developed house site. Ex.P3 - registered sale deed relied on by the respondents would show that the extent of 40 Cents land in S.No.155-56/3 was sold for a sum of Rs.48,000/-. Though the market value is arrived at Rs.1,200/- per Cent, in the sale deed marked as Ex.P3, the Court below, considering the nature of land and future prospects of development, has fixed a sum of Rs.1,500/- per Cent as market value. It is obvious that the guideline value is lesser than the market value and therefore, I do not find any discrepancy in the market value fixed by the Court below.

8. It is also contended by the appellant that the Court below ought to have deducted 40% towards development charges, instead deducted only 10%. In this regard, there is no oral evidence on the side of the appellant. In the absence of any evidence, the development charges could not be deducted at 40%, as stated by the learned Additional Government Pleader appearing for the appellant.

9. Therefore, I find that the acquired land is a developed site and certain Mills are existing, thus, it does not require 40% deduction towards development charges. The Court below has rightly deducted 10% towards development charges and hence, I do not find any discrepancy in the said finding of the Court below. Therefore, the Award passed by the Court below, enhancing the value from Rs.150/- to Rs.1,500/- is very much justified, which is on the basis of the documentary evidence and the same does not require any interference.

10. The appellant is directed to deposit the amount awarded by the Court below, within a period of twelve weeks from the date of receipt of a copy of this Judgment, if not already deposited.

11. Accordingly, the Appeal Suit is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

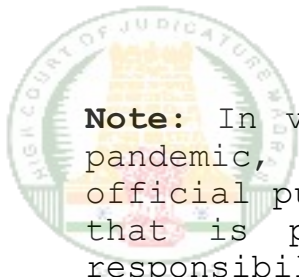
Assistant Registrar (CS-I)

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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.

WEB COPY

To

1. The Subordinate Judge, Pudukkottai.
2. The Revenue Divisional Officer - Cum -
Land Acquisition Officer,
Pudukkottai.

Copy to: The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to the SPL GP (SR-20022[F] dated 14/10/2020)

A.S(MD).No.126 of 2014 and
M.P(MD).No. 1 of 2014
13.10.2020

KMV(CO)
CS(04.12.2020) 4P 6C