



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S. (MD) .No.45 of 2014 and
M.P(MD) .No. 1 of 2014

The Special Tahsildar (ADW),
Pudukkottai.

: Appellant/Referring Officer

Vs.

1.Karuppasamy
2.Ramasamy
3.Vellaichamy (died)
4.Palanivel
5.Maruthan (died)
6.Singaram
7.Sellathurai
8.Thangavelu
9.Murugesan
10.Natarajan

.. Respondents/Claimants

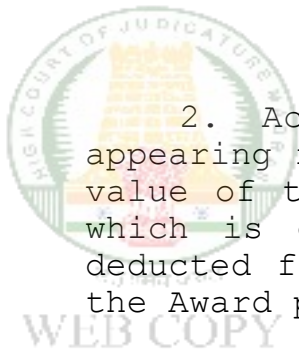
Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree, dated 31.10.2008 made in L.A.O.P.No.76 of 1993 on the file of the learned Subordinate Judge, Pudukkottai.

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

For respondents
1,2,4,6 to 10 : Mr. G. Thiruvarutselvam
for M/s.Jury Brain Law Office

JUDGMENT

This Appeal Suit is filed against the Judgment and Decree of the learned Subordinate Judge, Pudukkottai, dated 31.10.2008 in L.A.O.P.No.76 of 1993, in enhancing the market value of the land from Rs.76/- to Rs.1,300/- per cent.



2. According to the learned Additional Government Pleader appearing for the appellant, the Court below has enhanced the market value of the land without any evidence from Rs.76/- to Rs.1,300/-, which is exorbitant. Further, development charges was also not deducted from the award amount. Therefore, he seeks to set aside the Award passed by the Court below.

3. I have heard the learned counsel appearing on either side and perused the materials available on record.

4. From the perusal of materials, it is seen that the land was acquired for the purpose of housing colony for the Scheduled Caste people. The Court below, relying upon Exs.A1 and A2, which are the sale deeds pertaining to the lands adjacent to the acquired land and also the evidence of respondents / claimants 1 and 2, enhanced market value from Rs.76/- to Rs.1,300/- per Cent.

5. It is not in dispute that the acquired land situate adjacent to residential area and commercial properties also situate abutting the same. As per Ex. C1, the land was sold for a sum of Rs.6,500/- per Cent. However, the Court below has fixed the land value at Rs.1,300/- per Cent and deducted 10% towards development charges. The market value of the land was fixed by the Court below, on the basis of Ex.C1, after considering the evidence of both the claimants as well as the respondents. The enhancement as such is reasonable, supported by evidence and sound reasons. I do not find any infirmity in the market value fixed by the Court below. In respect of contention that the market value fixed is high, the learned counsel for appellant has not shown any evidence to vary with the findings of the Court below. Therefore, there is no merit in the Appeal Suit and accordingly, the Appeal Suit is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

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 Subordinate Judge, Pudukkottai.

2.The Special Tahsildar (ADW),
Pudukkottai.

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

+1 CC to the SPL GP (SR-19756[F] dated 12/10/2020)

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M.P (MD) .No. 1 of 2014
09.10.2020

SMV(CO)
CS(24.11.2020) 3P 6C