



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.[MD]No.165 of 2016

and

C.M.P.[MD]Nos.10570 & 5105 of 2016

Revenue Divisional Officer,
(Land Acquisition), Madurai. ... Appellant/Refering Officer

Vs.

Sahul Hameed,
Power agent of
Samsudeen alias Samsu,
19, Veerakali Amman Kovil Street,
Jaihindpuram, Madurai. ... Respondent/Claimant

PRAYER: First Appeal is filed under Section 54 of the Land Acquisition Act, praying to set aside the judgment and decree dated 07.12.2004 made in L.A.O.P.No.21/1999, on the file of the Additional District Sessions Judge cum Fast Track Court No.1, Madurai

For Appellant : Mr.N.Shanmugaselvam

Additional Government Pleader

For Respondent : Mr.D.Sadiq Raja

JUDGMENT

This appeal has been filed as against the judgment of the reference Court enhancing the compensation at the rate of Rs.9600/- per cent, for the land acquired for the construction of the present High Court building, Madurai.

2.The brief facts leading to the filing of this appeal are as follows:

2.1.Pursuant to G.O.Ms.No.398, Home (Courts - III) Department dated 10.03.1997, a notification under Section 4(1) of the Land Acquisition Act dated 08.05.1997 was issued for acquiring a large area for the purpose of construction of the present High Court building. The land acquisition officer, after considering the documents, has arrived at a value of Rs.201/- per cent.



2.2.The respondent land is consisting of 145.7 cents. Thereafter, on a reference to the Tribunal, the Tribunal has enhanced the compensation at the rate of Rs.9600/- per cent. Challenging the same, the present appeal is filed by the Government.

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3.Heard the learned Counsel appearing for the parties.

4.It is the contention of the learned Additional Government Pleader for the appellant that in all other cases, the Hon'ble Division Bench of this Court has fixed the compensation at the rate of Rs.5400/- per cent by order dated 16.07.2010 in A.S.[MD]Nos.220 of 2007, etc batch. Hence, it is his contention that the appeal has to be allowed.

5.Whereas, it is the contention of the learned Counsel for the respondent that the case is covered by the Division Bench of this Court in respect of the land situated backside the campus. Only in that ground compensation was enhanced as Rs.5400/- per cent. Whereas, the subject property in this case is situated in the main gate of the High Court which is more valuable and it is abutting the main road. Therefore, the Trial Court has considered the entire materials and taking note of the developments which had already taken place in the nearby places, had enhanced the award amount. Therefore, it is contended that the finding of the Tribunal does not require any interference.

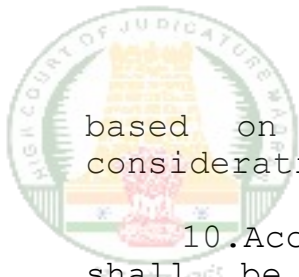
6.I have perused the entire materials.

7.On the side of the claimant, Exs.A.1 to Ex.A.11 has been filed. On the side of the respondents, R.W.1 was examined and Exs.R.1 to R.6 has been filed.

8.The point that arises for consideration is as follows:

i) Whether the compensation fixed by the Tribunal is arbitrary?

9.It is not in dispute that the subject land was in the front gate of the High Court. The Trial Court has considered the developments like the bus stand near the place and hospitals and also the documents filed by the claimant and has fixed the compensation at the rate of Rs.9600/-. The various other documents were also considered by the Trial Court. The Division Bench of this Court in a judgment dated 16.07.2010 has also fixed the compensation for the lands which are situated at the rear side of the campus at the rate of Rs.5400/- per cent. Therefore, taking note of the fact that the land is situated where the front gate of the High Court is situated abutting the Highway and there are several developments, further other sale deeds which has come into existence much prior to the notification, this Court is of the view that the award passed by the Tribunal does not require any interference. It is well reasoned



based on the oral and documentary evidence. The point for consideration is answered accordingly.

10. Accordingly, the Appeal stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MR

To

The Additional District and Sessions Judge,
Fast Track Court No.1,
Madurai.

Copy to

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

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-3500[F] dated 28/01/2020)

ORDER MADE IN
A.S. [MD] No.165 of 2016
24.01.2020

VB(20.02.2020) 3P 5C