



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.[MD]No.81 of 2016

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Revenue Divisional Officer,
(Land Acquisition), Madurai.

...Appellant/Refering Officer

Vs.

Muthupillai (Late)

1.G.Meenakshi

2.A.Kamalam

3.R.Ammani

4.B.Ayothi

5.S.Muthurakku

6.B.Athi Gurusamy

7.A.Jeyanthi

8.A.Akash

... Respondents/Claimants

PRAYER: First Appeal is filed under Section 54 of the Land Acquisition Act, praying to set aside the judgment and decree dated 22.06.2006 made in L.A.O.P.No.141/1999, 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 Respondents

1 to 5 & 7

: Mr.Senthurpandian

For Respondents 6 & 8

: No appearance

JUDGMENT

This appeal has been filed as against the judgment of the reference Court enhancing the compensation at the rate of Rs.7200/- 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 60.5 cents. Thereafter, on a reference to the Tribunal, the Tribunal has enhanced the compensation at the rate of Rs.7200/- 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 on that ground compensation was enhanced as Rs.5400/- per cent. Whereas, the subject property in this case is situated at the middle of the High Court building which is more valuable. 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, C.W.1 was examined. On the side of the respondents, R.W.1 was examined and Exs.R.1 & R.2 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 situated at the middle of the High Court building. The Trial Court has considered the future developments and has fixed the compensation at the rate of Rs.7200/-. 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 at the middle of the High Court building and the other sale deeds which have 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.

Sd/-

Assistant Registrar ()

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/ /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.P.SENTHUR PANDIAN, Advocate (SR-2959[F] dated
24/01/2020)

ORDER MADE IN
A.S.[MD]No.81 of 2016
24.01.2020

VB(20.02.2020) 3P 5C