



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: **14.10.2020**

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

A.S.(MD).No.107 of 2015

and

M.P.(MD)No.2 of 2015

WEB COPY

The Special Tahsildar,
Adi Dravidar Welfare,
Tenkasi.

: Referring Officer/Appellant/Respondent

vs.

1.Anandaraj
2.Abraham Immanuvel Josuva
3.Duraisamy Nadar
4.Lourdhu Pushpam
5.M.Kanagammal
6.Madasamy Chettiyar
(R1 & R6 Dismissed for Default vide
order of this Court dated 24.01.2019)

: Respondents/Claimants

PRAYER :-

Appeal Suit is filed under Section 54 of the Land Acquisition Act against the judgment and decree of the learned Principal Subordinate Judge, Tenkasi, in L.A.O.P.No.49 of 1993, dated 28.08.1998.

For Appellant : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

For Respondents 2to5: Mr.N.Balasubramanian

JUDGMENT

The present Appeal Suit has been filed against the judgment and decree of the learned Principal Subordinate Judge, Tenkasi, in L.A.O.P.No.49 of 1993, dated 28.08.1998.

2. Heard the submissions made on either side and perused the materials available on record.

3. The appellant acquired the lands for the purpose of providing house sites to the houseless Most Backward Class people. An extent of 2.21^{1/2} Acres in Alangulam Village was acquired by the appellant from the respondents herein. The market value was fixed at Rs.30/- per cent relying on the data document by the Special



Tahsildar. Not satisfied with the award amount, the respondents raised objection and hence, the matter was referred under Section 18 of the Land Acquisition Act, to the Sub Court, Tenkasi. Before the learned Principal Subordinate Judge, Tenkasi, the respondents/claimants filed sale documents dated 16.07.1987, 27.04.1987, 15.12.1987 and 13.05.1991 as Exs.A.1 to A.4. On the side of the appellant herein, award copy, statistics list for the period between 20.04.1987 and 20.04.1988 and the topo sketch were marked as Exs.B.1 to B.3. Exs.A.1 to A.4 have shown the value of the property at Rs.5,000/- per cent and Rs.10,000/- per cent. The claimants' witnesses have let in evidence that the land acquired is situated in a commercially developed area surrounded by residential houses. Even, on the date of acquisition, the acquired land was a house site and it was wrongly classified as '**punja lands**'. However, relying on the classification of the land, the Court below rejected Exs.A.1 to A.4 and considering the potentiality of the area and development as house site, surrounded by Marriage Halls, Iron Factory, Rice Mill, Petrol Bunk and Electricity Sub-Station, the Court below has considered that a fair price can be given and fixed the market value at Rs.100/- per cent.

4. In the opinion of this Court, the sale deeds Exs.A.1 to A.4 admittedly are anterior to the date of 4(1) notification. The documents Exs.A.1 to A.3 were of the year 1987 and Ex.C.4 was of the year 1991. These exhibits are at least seven years prior to the notification issued for land acquisition. I do not find valid reasons for not relying on that. However, it is seen that the respondents/claimants have not preferred any appeal against the order passed by the Court below. Therefore, considering the findings with regard to the potentiality of the land by the Court below and also the prevailing rate at that point of time, this Court is of the view that the market value fixed at Rs.100/- per cent does not appear to be high. Therefore, I do not find any reason to interfere with the award passed by the Court below.

5. In the result, the Appeal Suit fails and accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Principal Subordinate Judge,
Tenkasi.
- 2.The Special Tahsildar,
Adi Dravidar Welfare,
Tenkasi.

Copy to:

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

Judgment made in
A.S. (MD) .No.107 of 2015

Dated:
14.10.2020

PK (CO)
NR(30/11/2020) 3P : 5C