



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S (MD) .No.15 of 2015

and

M.P (MD) .No.1 of 2015

WEB COPY

The Special Tahsildar,
Land Acquisition,
Adi Dravidar Welfare,
Paramakudi.

: Appellant/Respondent

Vs.

Seeni Mohammed

: Respondent/Claimant

Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the fair and decreetal order passed by the Sub Court, Paramakudi in LAOP.No.8 of 2000, dated 09.09.2008.

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

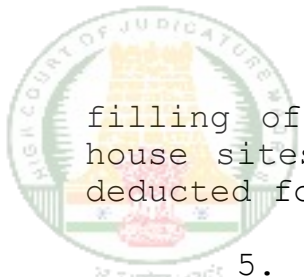
JUDGMENT

Aggrieved over the Award passed by the Sub Court, Paramakudi, in L.A.O.P.No.8 of 2000, dated 09.09.2008, the appellant / Referring Officer has preferred the present appeal suit.

2. According to the learned Additional Government Pleader appearing for the appellant, the total extent of land acquired is 0.55.0 Hectares, for the purpose of providing house sites to the Adi Dravidar community, for which, 4(1) Notification was issued on 24.09.1995. The Land Acquisition Officer, considering the data documents, determined the market value at Rs.108/- per Cent. Pursuant to the objection made by the claimant, the matter was referred under Section 18 of the Land Acquisition Act and the Court below, relying on Ex.C1, dated 24.01.1994, fixed the market value at Rs.1,000/- per Cent, against which, the appellant has preferred the above appeal.

3. I have heard the submissions made by the learned Additional Government Pleader appearing for the appellant.

4. According to the appellant, the enhancement from Rs.108/- per Cent to Rs.1,000/- per Cent is exorbitant and Exs.C1 and C2 sale deeds relied on by the Court below are not relevant to the land acquisition. The Court below has failed to deduct any amount towards development charges. The land being the punja land, needs



filling of soil and levelling for the purpose of converting into house sites and therefore, the development charges could have been deducted for development.

5. Notice was ordered to the respondent. On receipt of notice, the respondent has not chosen to appear. Therefore, we proceeded to decide the case on merits.

6. Insofar as the land acquisition is concerned, admittedly, 4(1) Notification was issued on 24.09.1995 to the respondent and 0.55.0 Hectares of respondent's land has been acquired. The nature of land is punja land and there are some data documents relied on by the Land Acquisition Officer, which are situated 2 Kilometers away from the road, whereas the acquired land was adjacent to the road. The Court below has considered the sale deed, dated 24.01.1994, in which, the land was sold for Rs.1,000/- per Cent. The sale transaction was almost One year and Nine months prior to the 4(1) Notification. Therefore, the transaction could not be considered as one made for the purpose of boosting the price.

7. The Court below has rightly fixed the market price relying on Ex.C1 and therefore, I do not find any discrepancy in the fixation of market price and the market price fixed by the Court below is reasonable and just compensation. However, the Court below has categorically found that the land acquired is cultivatable punja land and hence, it should be converted into house sites, and definitely it is to be developed by filling soil and levelling upto make it suitable for house sites. In that event, the development charges could have been deducted from the compensation.

8. Considering the access to the road and the purpose for which the land is acquired, I deem it fit to deduct 20% towards development charges and accordingly, the market value is modified as Rs.800/- per Cent, after deducting 20% towards development charges. The appellant is directed to deposit the Award of compensation at the rate of Rs.800/- per Cent, before the Court below within a period twelve weeks from the date of receipt of a copy of this Judgment along with interest. On such deposit being made, the respondent / claimant is entitled to withdraw the same before the Court below.

9. Accordingly, the appeal suit is partly allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



trp

Note: 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

The Subordinate Judge, Paramakudi .

COPY TO

The Section Officer, VR Section, (2 COPIES)
Madurai Bench of Madras High Court, Madurai.

+1 CC to spl GP (SR-20523[F] dated 19/10/2020)

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M.P(MD) .No.1 of 2015
16.10.2020

VB (24.11.2020) 3P 5C