



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

A.S. (MD) .No.47 of 2015

and

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

The Revenue Divisional Officer,
Aruppukottai.

... Appellant / Referring Officer
Vs.

P.C.A.N.Sathiskumar,
S/o.P.C.A.Nagarajan

... Respondent / Claimant

Prayer: Appeal Suit filed under Section 54 of the Land Acquisition Act, against the fair and decreetal order dated 26.02.2004 passed in L.A.O.P.No.31 of 1996 by the learned Subordinate Judge / Land Acquisition Tribunal, Virudhunagar.

For appellant	: Mr.J.Gunaseelan Muthaiah, Additional Government Pleader
For respondent	: No appearance

JUDGMENT

This appeal suit has been filed by the Revenue Divisional Officer, Aruppukottai, against the order dated 26.02.2004, passed in L.A.O.P.No.31 of 1996 by the Land Acquisition Tribunal / Subordinate Judge, Virudhunagar.

2. The appellant has acquired the land to an extent of 1.21.0 hectares situated in Pelampatti Village, Virudhunagar District, for the purpose of construction of residential quarters and Office buildings for Central Excise Division, Virudhunagar. Out of total extent of the land, the land belonged to the respondent/claimant in Survey No.13/3, Plot No.20E to an extent of 3020 sq.ft. had also been acquired by the appellant, for which he awarded a sum of Rs.2.77 per sq.ft. Aggrieved by the same, the respondent / claimant requested the appellant to refer the matter under Section 18 of the Land Acquisition Act and accordingly, it was referred to the file of the learned Subordinate Judge / Land Acquisition Tribunal, Virudhunagar and numbered as L.A.O.P.No.31 of 1996. The learned Subordinate Judge / Land Acquisition Tribunal, Virudhunagar, after considering the oral and documentary evidence adduced on both sides,



has fixed Rs.10/- per sq.ft. as compensation. Aggrieved by the same, the present appeal has been filed by the Government.

3. The learned Additional Government Pleader would submit that the land in question has been acquired only for the public purpose and the appellant has rightly fixed Rs.2.77/- per sq. ft. as compensation. But, based on Exs.P1 to P3 - sale deeds, the learned Land Acquisition Tribunal, Virudhunagar has erroneously fixed Rs.10/- per sq. ft., which is three times of award passed by the appellant. The Lands in Exs.P1 to P3 are located far away from the acquired land and there is also difference in locational advantage. Under the said circumstances, the award passed by the Tribunal may be modified.

4. Today, there is no representation on the side of the respondent.

5. Heard the learned counsel appearing for the appellant and perused the materials available on record carefully.

6. The appellant has filed this appeal mainly questioning the quantum of award fixed by the Court below. According to the appellant, the lands in Exs.P1 to P3 are situated far away from the land acquired and there is difference in locational advantage and therefore, the compensation fixed by the Tribunal is excessive. It is seen that the Tribunal has discussed the above aspects in detail and found that the lands in Exs.P1 to P3 are located 300 meters away from the land acquired and thereafter only fixed Rs.10/- per sq. ft., though the lands in Exs.P1 to P3 were sold for Rs.15/- per sq. ft. Hence, this Court is of the view that the amount awarded by the Tribunal cannot be termed as excessive. This Court does not find any reason to interfere with the order passed by the Tribunal.

7. In the result, this appeal suit fails and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg



To

1.The Subordinate Judge /
Land Acquisition Tribunal,
Virudhunagar.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai (2 Copies).

+1 CC to M/s.GP (SR-17815[F] dated 23/09/2020)

Judgment in
A.S.(MD)No.47 of 2015
22.09.2020

KMK(CO)
TR(04.11.2020) 3P 5C