



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S(MD)No.64 of 2015 and
M.P(MD).No.1 of 2015

The Special Tahsildar (L.A).,
South Neighbourhood Scheme,
Madurai.

.. Appellant/Referring Officer

Vs.

1. Mutharasan

.. Respondent / Claimant

2.The Executive Engineer,
Administrative Officer,
Tamil Nadu Housing Board,
Madurai.

.. Respondent/Beneficiary

Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree of the I Additional Sub Court, Madurai in L.A.O.P.No.8 of 1994, dated 13.12.2000.

For appellant	: Mr. J. Gunaseelan Muthiah Additional Government Pleader
For 1 st respondent	: Mr. R. Suriya Narayanan
For 2 nd respondent	: Mr. R. Janarthanan

JUDGMENT

The present Appeal Suit has been preferred against the Award passed by the I Additional Sub Court, Madurai in L.A.O.P.No.8 of 1994, dated 13.12.2000, enhancing the market value of the acquired land from Rs.100/- to Rs.2,500/- per Cent.

2. The learned Additional Government Pleader appearing for the appellant would vehemently contend that the enhancement from Rs.100/- to Rs.2,500/- is exorbitant and the Court below has not considered the nature of the land. The land is situated in interior part and therefore, the value fixed for the land, which is adjacent to National Highway, could not be applied to the land which is in interior area. For that purpose, he would also contend that it is agricultural land and therefore, the value, which is applicable for the house site, could not be applied for



the acquired land. Therefore, the fixation of the market value at Rs.2,500/- per Cent by the Court below is liable to be set aside.

3. On the other hand, the learned counsel appearing for the first respondent / claimant would contend that the value of the land fixed by the Land Acquisition Officer is based on the data documents of the year 1971. Even as per the data documents of the year 1971, the guideline value of the property comes around Rs.2,500/- per Cent and hence, the price fixed by the Land Acquisition Officer at Rs.100/- per Cent is not fair and proper. Actually, the market value is higher than the guideline value, which is reflected in the records of the Sub Registrar office. For the land acquired, 4(1) notification was issued in the year 1986. By that time, the market value of the acquired land becomes high. Therefore, the market value fixed by the Court below, relying on the documents, is fair and proper and it does not require any interference.

4. I have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. From the materials placed before this Court, it could be seen that though the property is classified as punja land, the evidence of both sides makes it clear that it is developed as house site. The acquired land is very near to the National Highway and surrounded by important places. It is also important fact that the land is acquired for promoting Neighbourhood Scheme by the second respondent for converting and selling the same as house plots. The material evidence of the claimant would show that the land is well developed residential area and further, in respect of adjacent land, the market value was fixed at Rs.2,500/- per Cent.

6. Considering the potentiality of the land as well as future prospects, this Court is of the view that the market value fixed by the Court below appears to be just and reasonable. It is also admitted fact that in the similar acquisition, market value of the adjacent land was fixed at Rs.2,500/- per Cent and hence, it is not proper to reduce the market value. Therefore, the market value fixed by the Court below is not arbitrary or exorbitant and hence, the same does not require any interference. Since it is found that the acquired land is well developed house site and it is acquired for the purpose of promoting house site to the Neighbourhood scheme by the second respondent, no development charges need be deducted.

7. In the result, there is no merit in the appeal suit for consideration and accordingly, the same is dismissed. The second respondent is directed to deposit the amount awarded by the Court



below, within a period 12 weeks from the date of receipt of a copy of this Judgment, if it is not deposited. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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 Additional Sub Judge, Madurai.
- 2.The Executive Engineer,
Administrative Officer,
Tamil Nadu Housing Board, Madurai.
- 3.The Special Tahsildar (L.A).,
South Neighbourhood Scheme,
Madurai.

Copy to

The Section Officer-2 copies
VR Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R. JANARTHANAN, Advocate (SR-20445[F] dated 16/10/2020)

+1 CC to Mr.R. SURIYANARAYANAN, Advocate (SR-20505[F] dated 19/10/2020)

+1 CC to SGP (SR-20524[F] dated 19/10/2020)

A.S(MD)No.64 of 2015 and

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

16.10.2020

SJ(CO)

KM (09.12.2020) 3P 9C

<https://hcservices.ecourts.gov.in/hcservices/>