



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. SUBRAMANIAN**

S.A(MD)Nos.319 and 320 of 2018
and

C.M.P (MD)Nos.9006 and 9007 of 2018

S.A(MD)No.319 of 2018

The Special Tahsildar,
Land Acquisition Officer (ADW),
Paramakudi,
Ramanathapuram District. ... Appellant/Respondent

Vs.

Baluchamy ... Respondent/Appellant

PRAYER : Appeal filed under Section 13 of The Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act 1978, to set aside the judgment and decree in L.A.C.M.A.No.11 of 2001, dated 01.07.2010 on the file of Sub Court, Paramakudi.

S.A(MD)No.320 of 2018:

The Special Tahsildar,
Land Acquisition Officer (ADW),
Paramakudi,
Ramanathapuram District. ... Appellant/Respondent

Vs.

Sundara Rajeswari ... Respondent/Appellant

PRAYER : Appeal filed under Section 13 of The Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act 1978, to set aside the judgment and decree in L.A.C.M.A.No.14 of 2001, dated 01.07.2010 on the file of Sub Court, Paramakudi.

For Appellant : Mr.N.Shanmugaselvam
in both appeal Additional Government Pleader



For Respondents : No appearance
in both appeal

COMMON JUDGMENT

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These two second appeals are at the instance of the Special Tahsildar, Land Acquisition Officer (ADW), Paramakudi challenging the award of the Sub Court, Paramakudi made in L.A.C.M.A.Nos.11 & 14 of 2001. The said appeals were filed under Section 9 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme, 1978 challenging the award passed by the Land Acquisition Officer on 05.07.2001 granting compensation of Rs.44,000/- per acre for the lands acquired for providing of housesites to Adi Dravidars.

2. The Land Acquisition Officer relied upon two documents, namely, serial Nos. 10 and 11, out of sales statistics, come to the conclusion that the compensation for the land in question could be fixed at Rs.44,000/- per acre. Even from the discussion in the award, it is seen that as per the sale deed shown as serial No.10 of the sales statistics an extent of 6 cents have been sold for Rs.44,000/-. If worked out on the basis, value of one cent land comes to Rs.7333.33. It is not known as to how the Land Acquisition Officer has fixed the compensation as Rs.44,000/- per acre. It is also seen from the award that the guideline value is more the compensation fixed by the Land Acquisition Officer. Aggrieved by the said fixation, the land owners sought for enhancement by filing an appeal in L.A.C.M.A.Nos.11 & 14 of 2001.

3. The learned Subordinate Judge on a re-consideration of the evidence on record found that for the land situated on the East of the road covered by the very same acquisition proceedings the Sub Court in L.A.C.M.A.No.1 of 2002 has awarded a sum of Rs.9,000/- per cent as compensation. It is not in dispute that the said judgment in L.A.C.M.A.No.1 of 2002 has been confirmed by this Court in C.R.P. (MD)No.361 of 2006 on 10.03.2015. The learned Subordinate Judge had relied upon Ex.A2 to Ex.A4, wherein, the value of one cent land have been shown to be between 5234 and 9724/-. On a over all consideration of evidence on record, the Sub-Judge granted a sum of Rs.9,000/- per cent as compensation. The statutory benefits as per the provisions of the Act were also granted. Aggrieved, the State has come up with these appeal.

4. I have heard Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the appellant.

5. Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the appellant would vehemently contend that the Court below was not right in raising the compensation by 20 times without any basis. I am unable to accept the said contention of the learned Additional Government Pleader. The original compensation granted,



as already pointed, is based on mis-calculation made by the Officer concerned. The Court has only relied upon a prior proceedings in which, compensation to similarly situated land was awarded by the Court at Rs.9,000/- and the said award was confirmed by this Court in C.R.P.(MD)No.361 of 2006 on 10.03.2015. I therefore, do not see any reason to interfere with the award passed by the Sub-Court, Paramakudi. I do not find any question of law much less substantial question of law in order to enable me to entertain the second appeals. Hence, the second appeals fail and are dismissed, without being admitted. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

To

- 1.The Sub Judge, Paramakudi.
- 2.The Special Tahsildar,
Land Acquisition Officer (ADW),
Paramakudi,
Ramanathapuram District.

Copy to:

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

+1 CC to M/s.Special Government Pleader (SR-5201[F] dated 07/02/2020)

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05.02.2020

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