



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

A.S(MD).No. 140 of 2017

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

: Appellant /Referring Officer

Vs.

M.K. Jeyaraj Nadar (died)

1.J. Meenakshi

2.J.Valarmathi

3. J.Madhavakumar

4. J.Jayasing

5. J.Chitra

: 1 to 5 Respondents/Claimants

6.The Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai.

: 6th Respondents/Beneficiary

Prayer: Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the Judgment and Decree of the learned I Additional Subordinate Judge, Madurai in LAOP.No.250 of 1989, dated 25.06.1992.

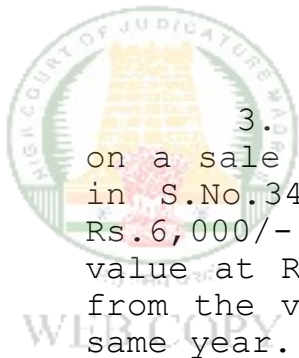
For appellant : Mr. J. Gunaseelan Muthiah
Additional Government Pleader

For respondents 1 to 5: Mr. K.S.Prakash

JUDGMENT

The Appeal Suit has been preferred against the Judgment and Decree of the learned I Additional Subordinate Judge, Madurai passed in LAOP.No.250 of 1989, dated 25.06.1992.

2. The appellant has issued a notification under Section 4(1) of the Land Acquisition Act, 1894 on 11.09.1985, for the purpose of acquiring the land to the 6th respondent / Tamil Nadu Housing Board. The Land Acquisition Officer has fixed the compensation at Rs.45/- Per Cent. Aggrieved over the same, the claimants have raised an objection and the same was referred under Section 18 of the Land Acquisition Act, 1894 to the I Additional Subordinate Court, Madurai.



3. The learned I Additional Subordinate Judge, Madurai relied on a sale document bearing Regn. No. 3766 / 1985, dated 20.09.1985 in S.No.34/2, Thoppur Village, for which, the sale consideration Rs.6,000/- per Cent and hence, the Tribunal had fixed the market value at Rs.1,000/- per Cent. The Tribunal has taken the exemptor from the very same village and fixed the market value for the very same year.

4. In fact, it is brought to the notice of this Court that in the other cases, award of Rs.2,000/- per Cent was granted for a latter acquisition. However, considering the date of acquisition i.e., 11.09.1985, we cannot apply the enhanced compensation to the present case. The documents relied on by the Tribunal, which is not objected by the respondents / claimants, is the land acquired very near to National Highways. It was acquired for the housing purpose of the Tamil Nadu Housing Board. Considering the potentiality of the land, the Tribunal has rightly fixed the market value at Rs.1,000/- per Cent. Hence, I do not find any infirmity in the Award passed by the Tribunal.

5. In the result, there is no merit in the appeal suit for consideration and accordingly, the same is dismissed.

6. The sixth respondent is directed to deposit the amount awarded by the Tribunal, within a period six weeks from the date of receipt of a copy of this Judgment, if it is not already deposited. On such deposit, the claimants are entitled to withdraw the same on production of proof of identity. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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 I Additional Subordinate Judge, Madurai.



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

+1cc to R.Janarthanan, Advocate Sr.No.25675

+1cc to SPL GP Sr.No.25717

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VB (18.01.2021) 3P 6C