



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

A.S(MD).No. 158 of 2018 and

CMP(MD).No. 8957 of 2018

WEB COPY

The Special Tahsildar (Land Acquisition),
Madurai South Rural Scheme,
Madurai - 20. : Appellant / Referring Officer

Vs.

1. Sangili Naidu :1st Respondent/Claimant

2. The Executive Engineer,
The Administrative Officer,
Tamil Nadu Housing Board,
Ellies Nagar, Madurai - 10. :2nd Respondent/2nd Respondent

Prayer: Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the Decree and Judgment in LAOP.No.15 of 2010, dated 17.02.2014 passed by the II Additional Subordinate Judge, Madurai.

For appellant : Mr. J. Gunaseelan Muthaiah
Additional Government Pleader
For 2nd respondent : Mr. R. Janarthanan
For 1st Respondent : No Appearance

JUDGMENT

The present Appeal Suit has been preferred by the Revenue Officials against the enhancement of market value of the land from Rs.825/- per Cent to Rs.2,000/- per Cent.

2. According to the learned Additional Government Pleader appearing for the appellant, this Court, by its Judgment, dated 18.09.2003 in A.S.Nos.13 and 17 of 2000, had fixed the market value of the property at Rs.2,000/- per Cent, with respect to the 4(1) Notification issued on 13.11.1985, whereas, the Court below, following the said Judgment, passed an award fixing the market value at Rs.2,000/- per Cent, which according to him is not correct.

3. I have considered the submissions of the learned Additional Government Pleader and perused the Judgment of this Court passed in A.S.Nos.13 and 17 of 2000, dated 18.09.2003, wherein, it is observed as under:

"Learned counsel for the Housing Board

has brought to our notice the Judgment of

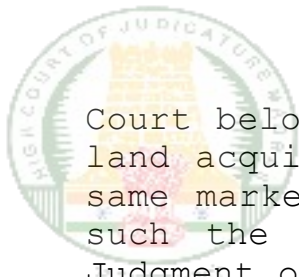


P.Thangavel, J., in A.S.No.884 of 1992 etc., wherein the learned Judge fixed the market value of the acquired lands in the same village at Rs.825/- per Cent. But, Section 4(1) Notification in that case was issued on 13.11.1985. This is six years prior to the case on hand. The purpose of acquisition in that case is also for the Tamil Nadu Housing Board and after the earlier acquisition there should have been further progress in the locality. The importance of the locality has been deposed by CW1 and also admitted by RW.1.

16. Taking into consideration of the location of the acquired lands in Thoppur Village, which is just outside the Madurai City Municipal Corporation limits and which is surrounded by the various industries leading textile mills, colleges, hospitals, warehousing, corporation godowns, flour mills, etc., we are of the considered view that the market value of the acquired land has been increasing day by day and it could very well be fixed at Rs.2,000/- per Cent, though they are located in three different directions in the same village, but command same facilities and same advantages or disadvantages, as the case may be, we have taken into consideration the location, the smallness of the lands covered in Ex.C1, which is not even one ground plot, i.e., 2360 Sq. Ft. and all other developments, we arrive at the market value at the rate of Rs.2000/- per Cent also taking into consideration the passage of time and other developments in the locality and the steep increase as reflected in Ex.C2."

4. It is not in dispute that the land acquired in the present acquisition also is of the same area and same nature. The market value was arrived on the basis of oral and documentary evidence in respect of the land acquired in the year 1985. This Court has fixed the market value at Rs.2,000/- per Cent, for the very same area. The Court below, following the aforesaid Judgment of the High Court, fixed the same market value at Rs.2,000/-, even for the subsequent acquisition.

5. In the considered opinion of this Court, after acquisition of the land in the year 1985, the land value would obviously escalate more than Rs.2,000/- per Cent due to the development projects. As held by the Hon'ble Supreme Court, appreciation may shoot up by 30% to 40%. Despite that fact, the



Court below has followed the Judgment of this Court in respect of land acquisition which happened in the year 1985, and applied the same market value for the acquisition made in the year 1986. As such the market value as fixed by the Tribunal following the Judgment of this Court is not exorbitant and hence, I do not find any discrepancy in awarding the market value as Rs.2,000/- per Cent following the Judgment of this court.

6. The learned counsel appearing for the second respondent, who is the beneficiary of the acquisition, would submit that the second respondent has already deposited the entire award of compensation as ordered by the Court below at the rate of Rs.2,000/- per Cent along with interest. The first respondent / claimant is entitled to withdraw the amount already deposited.

7. Accordingly, the Appeal Suit is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /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

The II Additional Subordinate Judge, Madurai

copy to

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

+1 cc to Mr.R.Janarthanan , Advocate SR.No.24086

+1 cc to The Special Government Pleader Sr.No.24254

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