



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

A.S.No.288 of 2018

The Sub Collector,
Land Acquisition Officer,
Ranipet, Vellore District.

.. Appellant/1st Respondent

Vs

1.M/s.Roca Bathroom Products
Private Limited, Ranipet.

..1st Respondent/Claimant

2.The Deputy Chief Engineer,
(Construction/III), Tambaram,
Southern Railway,
Chennai - 600 045.

..2nd Respondent/2nd Respondent

Appeal filed under Section 54 of the Land Acquisition Act against the judgment and decree dated 25.07.2014 made in L.A.O.P.No.36 of 2013 on the file of the Special Court for LAOP Cases, Arakonam, Vellore.

For Appellant : Mr.A.Edwin Prabakar,
Government Counsel

For Respondents : Mr.C.Balaji for R1
Ms.A.Srijayanthi for R2

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

The land situated in Ranipet Municipal Ward was acquired from the first respondent/claimant by the appellant for the purpose of forming the railway track. The Referring Officer fixed the compensation of Rs.1,52,508/- at the rate of Rs.43.24 per sq. meter or Rs.1750/- per cent. Not satisfied with the said compensation fixed on the premise that the acquired land has got all potential, a reference was sought, seeking enhanced compensation at Rs.750 per sq.ft. or Rs.3,27,000/- per cent.



2. On the side of the first respondent/claimant, the Company Secretary was examined as C.W.1 and Exs.C1 to C3 were marked. Ex.C1 is the guideline value for the relevant period. Ex.C2 is the land and building value and Ex.C3 is the site plan of the Engineer indicating the factory's site plan and the land which was acquired. On behalf of the appellant, RW1 was examined while marking the award copy as Ex.R2 with the Map as Ex.R3.

3. The Reference Court took into consideration the guideline value and awarded the compensation at Rs.250/- per sq.ft. Insofar as the statutory deduction is concerned, the Reference Court did not make any such deduction as the object is for laying the railway line. Therefore, there is no need for deduction under the head of development charges. Challenging the aforesaid award, the present appeal has been filed.

4. Learned Government Counsel appearing for the appellant submitted that though it may be contended that the Reference Court has taken the guideline value which was prevalent at the relevant point of time, there ought to have been a statutory deduction. Even in the judgment referred in Nelson Fernandes and Others v Special Land Acquisition Officer, South Goa and others reported in (2007) 9 SCC 447, deduction of 20% was made. In such view of the matter, the award requires interference.

5. Learned counsel appearing for the first respondent/claimant submitted that the facts involved in the present case are different. What has been taken into consideration is the guideline value. Once the guideline value has been taken into consideration, which is fixed by any other wing of the appellant, there is no question of any further deduction that might arise especially if one takes into consideration the purpose for which the acquisition is made. Therefore, no interference is required.

6. Having heard the learned counsel appearing for the parties, we do not find any reason to interfere with the well merited award passed by the Reference Court. There is no need for re-classification of the land in the present case. The land is acquired for the purpose of laying the new broad gauge railway line. The question of development does not arise in such a case. The object and rationale behind the deduction is that the undeveloped land cannot be equated with the developed land. The developed land would involve the expenses in the process of development. This would not only involve the case of reduction of land area and therefore the potential of the land would increase. Under those circumstances, the value for undeveloped land cannot be made at par with the developed land. The developed land is to be used for the purpose for which it is



developed whereas the undeveloped land is a shallow land which is not utilised.

7. In the case before us, the object, as stated earlier is only for the purpose of laying down the railway line. Whether the land is developed or undeveloped is immaterial. The Reference Court has rightly took the guideline value into consideration. This would only mean that in the event of the claimant purchasing the land afresh, he has to pay the guideline value. We are quite conscious of the fact that the market value is different from the guideline value. But it is the assessment made by the registering authority which is rightly taken into consideration in giving the compensation by the Reference Court. That is the reason why, the valuation is fixed at Rs.250/- per sq.ft. as against Rs.750/- sought for. In the judgment (referred supra), the valuation was fixed by taking into consideration the data sale deeds whereas in the case on hand, the valuation was fixed based upon the guideline value.

8. In such view of the matter, we are of the view that there is no need for reduction on two grounds, namely, the valuation having been fixed as per the guideline value and the purpose is only to lay down the railway line where there is no differentiation between the undeveloped and developed lands.

9. The appeal stands dismissed accordingly. No costs. Taking into consideration the fact that even the conditional order has not been complied with and the first respondent/claimant is yet to be given the benefit, despite the acquisition having been made years ago, the appellant is directed to deposit the entire amount payable in tune with the award passed by the Reference Court as confirmed by us in this appeal to the credit of L.A.O.P.No.36 of 2013 on the file of the Special Court for LAOP Cases, Arakonam, Vellore District, within a period of twelve weeks from the date of receipt of a copy of this judgment.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

mmi/ssm



To

1. The Special Court for LAOP Cases,
Arakonam, Vellore.

2. The Sub Court,
Ranipet.

3. The Deputy Chief Engineer,
(Construction/III),
Tambaram, Southern Railway,
Chennai - 600 045.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.C.Balaji, Advocate SR.No.40114

+1cc to Mr.Ms.A.Srijayanthi, Advocate SR.No.40246

+1cc to Government Pleader (AS) SR.No.40132

A.S.No.288 of 2018

PMK (CO)
GMY (25/11/2021)