



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.02.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**A.S.(MD)Nos.36 to 38 of 2013**

**and**

**M.P.(MD)No.1, 1 and 1 of 2013**

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The Special Tahsildar (L.A.),  
South Neighbourhood Scheme,  
Unit-3, Madurai.

...Appellant/Referring Officer  
(in A.S.(MD)Nos.36 & 37 of 2013)

The Special Tahsildar (L.A.),  
South Neighbourhood Scheme,  
Unit-1, Madurai.

...Appellant/Referring Officer  
(in A.S.No.38 of 2013)

Vs.

1.P.Guruvammal ...1<sup>st</sup> Respondent/Claimant in AS(MD)No.36 of 2013  
1.S.Varadhammal ...1<sup>st</sup> Respondent/Claimant in AS(MD)No.37 of 2013  
1.Ramaiah Naidu ...1<sup>st</sup> Respondent/Claimant in AS(MD)No.38 of 2013

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

...2nd Respondent/Beneficiary  
(in all appeals)

**COMMON PRAYER:** These Appeal Suits are filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the learned First Additional Subordinate Judge, Madurai in L.A.O.P.Nos.92 & 96 of 1995 and 20 of 1997 dated 29.09.2000 and 30.04.2001, respectively.

For Appellant : Mr.J.Gunaseelan Muthiah  
Additional Government Pleader  
For R2 : Mr.R.Janarthanan  
For R1 : No Appearance  
(in all appeals)

**COMMON JUDGMENT**

Aggrieved over the orders of the Land Acquisition Tribunal enhancing the compensation from Rs.50/-, Rs.100/- and Rs.200/-, respectively per cent to Rs.1,700/- per cent, the present appeal suits came to be filed.

2. For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.



3.The brief facts, leading to the filing of this Appeal Suit, are as follows:-

(i) The lands for an extent of 0.23.0 hectare in Survey No.53/6, 0.16.0 hectare in Survey No.53/8 (in A.S.No.36 of 2013), 0.74 hectare in Survey No.78/1 (in A.S.No.37 of 2013), 0.04.5 hectare in Survey No.4/3B1 (part) (in A.S.No.38 of 2013), Uchampatti Village, Tirumangalam Taluk, Madurai were acquired under a notification issued under Section 4(1) of the Land Acquisition Act, for the purpose of constructing houses for the Tamil Nadu Housing Board. The Land Acquisition Officer fixed the compensation at the rate of Rs.50/-, Rs.100/- and Rs.200/- per cent, respectively for the lands acquired from the claimants. Thereafter, the matters have been referred to the Tribunal under Section 18(1) of the Act as the claimants have claimed enhancement of compensation.

(ii) Before the Tribunal, on the side of the claimant, C.W.1 was examined and Exs.C1 to C3 were marked and on the side of the respondent no witness was examined and no document was marked in A.S.Nos.36 and 37 of 2013 and in A.S.No.38 of 2013 on the side of the claimant, C.W.1 was examined and Exs.C1 and C2 were marked and on the side of the respondent no witness was examined and no document was marked.

(ii) The Land Acquisition Tribunal after considering the evidences and materials placed before it, has enhanced the compensation to Rs.1,700/- per cent with 30% solatium with necessary interest. Challenging same, the present appeals are filed.

4. Heard the learned Additional Government Pleader appearing for the appellant.

5. The learned counsel appearing for the Tamil Nadu Housing Board submitted that the entire award amount has been deposited in Court.

6. In the light of the above, now the point arises for consideration in this appeal is:

**(i) Whether the compensation enhanced by the Land Acquisition Tribunal is unreasonable and without any basis?**

7. On perusal of the entire materials, it reveals that the Tribunal has also considered the lie and location of the properties and nature of the development that had taken place in the nearby properties and enhanced the compensation to Rs.1,700/- per cent and the sale deeds relied by the claimants in fact, show that the nearby lands have been sold for higher value well before the notification issued under Section 4(1) of the Act. Therefore, this Court is of the view that the orders of the Tribunal is well reasonable and based on the factual aspects. Accordingly, this Court does not find any infirmity or error in the orders of the Land Acquisition



Tribunal. Accordingly, the point for consideration is answered.

8. In the result, the present Appeal Suits are dismissed by confirming the judgments and decree of the First Additional Subordinate Judge, Madurai in L.A.O.P.Nos.92 & 96 of 1995 and 20 of 1997, dated 29.09.2000 and 30.04.2001, respectively. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

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**Note:** The learned Additional Government Pleader is entitled to claim fees for each case.

To

1.The First Additional Sub Judge,  
Madurai.

2.The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.(2C)

+1 CC to M/s.GP ( SR-4885[F] ,4886,4888 dated 15/02/2021 )

Judgment made in  
A.S. (MD)Nos.36 to 38 of 2013  
11.02.2021

SE (CO)

KK(03.03.2021) 3P 5C