



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

A.S. (MD) No.57 of 2014

and

M.P. (MD) No.1 of 2014

WEB COPY

The Special Tahsildar,
(Land Acquisition),
Nanganchiar Reservoir Project,
Palani,
(now) Revenue Divisional Officer,
Palani.

...Appellant/Referring Officer

Vs.

Sakthivel

...Respondent/Claimant

PRAYER: This Appeal Suit filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the Subordinate Court, Palani in L.A.O.P.No.74 of 1996 dated 21.09.2010.

For Appellant	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For Respondent	: Mr.M.Saravanan for Mr.R.Subramanian

JUDGMENT

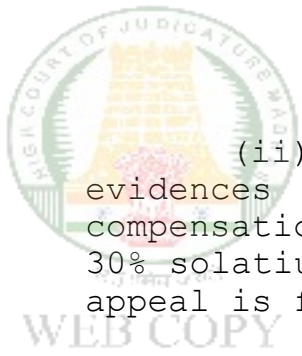
Aggrieved over the order of the Land Acquisition Tribunal enhancing the compensation from 118.64/- per cent to Rs.2,500/- per cent, the present appeal suit came to be filed.

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) An extent of 0.10.0 hectares in Survey No.68/6, Pappampatti Village, Palani Taluk was acquired under a notification issued under Section 4(1) of the Land Acquisition Act, for the purpose of Nanganchiar Reservoir Project. The Land Acquisition Officer fixed the compensation at the rate of Rs.118.64/- per cent. Thereafter, the matter has been referred to the Tribunal under Section 18(1) of the Act as the claimants have claimed Rs.2,500/- per cent as compensation.

(ii) Before the Tribunal, on the side of the claimant, C.W.1 and C.W.2 were examined and Exs.C1 to C5 were marked and on the side of the respondent R.W.1 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 from Rs.118.64/- per cent to Rs.2,500/- per cent with 30% solatium with necessary interest. Challenging same, the present appeal is filed.

4. The learned Additional Government Pleader appearing for the appellant would submit that the Tribunal has enhanced the compensation by considering Ex.C5, which is after the notification issued under Section 4(1) of the Act. He would further submit that for the lands acquired in that area for the same purpose, this Court has fixed the compensation as Rs.700/- per cent in A.S.(MD) Nos.328 and 329 of 2008 on 16.05.2017. Therefore, to adopt uniformity, the same compensation has to be fixed in this case also. Further, except the document under Ex.C5, which came into existence after the notification, no other material is available to show the higher market value of the land. Hence, prayed for allowing this appeal.

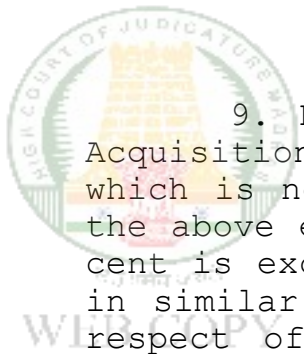
5. The learned counsel appearing for the respondent would submit that though the document under Ex.C5 is after the notification, the land acquired from the respondent by the Government is situated near to the bus stand and its value will be high. By considering all these aspect, the Tribunal has enhanced the compensation and the same shall be maintained. Hence, prayed for dismissal of this appeal.

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. It is not in dispute that the tribunal has enhanced the compensation from Rs.118.64/- per cent to Rs.2,500/- per cent. The Tribunal has mainly relied upon Ex.C5, sale deed dated 29.07.1992 for such enhancement. The Tribunal has infact taken note of the sale deed, which was executed after the notification under Section 4 (1) of the Act. The notification was issued on 30.04.1992 and the sale deed relied by the Tribunal came into existence only on 29.07.1992, which is after three months of the notification. Except the above sale deed, no documents have been filed by the claimant to show that the value of the land is higher to claim enhancement of compensation.

8. It is also brought to the notice of this Court that for similarly situated lands acquired for the same purpose, the compensation was fixed at the rate of Rs.750/- per cent and in some of the cases Rs.600/- has been fixed by this Court on 16.05.2017.



9. From the above, this Court is of the view that the Land Acquisition Tribunal enhanced the compensation only based on Ex.C5, which is not according to law. Accordingly, this Court holds that the above enhancement of compensation to the tune of Rs.2,500/- per cent is excessive. However, considering the judgment of this Court in similar cases, to maintain uniformity in giving compensation in respect of the lands acquired for the same purpose in the same village, compensation fixed by the Tribunal is reduced to Rs.750/- per cent. The order of the Land Acquisition Tribunal in other aspects is confirmed.

10. Accordingly, this Appeal Suit is partly allowed and the compensation is fixed at Rs.750/- per cent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ta

To

1.The Subordinate Court, Palani.

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

+1 CC to Mr.R.SUBRAMANIAN, Advocate (SR-4722[F] dated 12/02/2021)

+1 CC to SPL GP (SR-4887[F] dated 15/02/2021)

Judgment made in
A.S. (MD) No.57 of 2014
11.02.2021

VB (05.03.2021) 3P 6C