



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.Nos.16 and 31 of 2016

and

C.M.P. (MD) No.1169 of 2016

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N.Senthilathipathy Dhayalan	..Appellant/1 st Claimant (in A.S.No.16 of 2016)
1.R.Krishnamoorthy	
2.N.Veerappan	..Appellants/Claimants 2 & 3 (in A.S.No.31 of 2016)
Vs.	
1.The Revenue Divisional Officer and Land Acquisition Officer, Periyakulam, Theni District.	..1 st Respondent/Referring Officer
2.Tr.R.Krishnamoorthy	
3.Veerappan	
4.Varalakshmi	
5.Chitra	
6.Kannammal	..2 - 6 respondents/Claimants 2 - 6 (In A.S.No.16 of 2016)
1.N.Senthilathipathy Dhayalan	..1 st Respondent/1 st Claimant
2.Varalakshmi	
3.Chitra	
4.Kannammal	..Respondents 2-4/Claimants 4-6
5.The Revenue Divisional Officer and Land Acquisition Officer, Periyakulam, Theni District.	..5 th Respondent/Referring Officer (in A.S.No.31 of 2016)

PRAYER in A.S.No.16 of 2016: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, to set aside the judgment and decree made in L.A.O.P.No.1 of 2005 dated 31.03.2009 on the file of the Sub Judge (Land Acquisition Claims Tribunal), Periyakulam and fix compensation in consonance with guideline value fixed by the Government.

PRAYER in A.S.No.31 of 2016: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the judgment and decree made in L.A.O.P.No.1 of 2005 on the file of the Sub Court (Land Acquisition Claims Tribunal), Periyakulam dated 31.03.2009.



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For Appellant : Mr.Nirajan S.Kumar
For R1 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R2 to R6 : No Appearance
(in A.S.No.16 of 2016)
For Appellants: Mr.Muruga Ganesan
for Mr.Nirajan S.Kumar
For R5 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R1 to R4 : No Appearance
(in A.S.No.31 of 2016)

COMMON JUDGMENT

Aggrieved over the order of the Land Acquisition Tribunal enhancing the compensation from Rs.335/- to Rs.6,000/- per cent, the present appeal suits have been filed. Therefore, this Court is inclined to dispose of both the appeal suits by this common judgment.

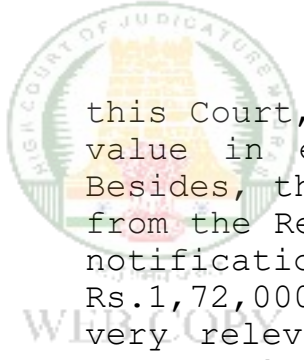
2. For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.

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

The subject land in Survey No.2177 in Thamaraiikulam Village, Periyakulam Taluk, Theni District for an extent of 0.80.0 hectares were acquired for the purpose of construction of a Sub Court under the notification under Section 4(1) of the Land Acquisition Act, on 26.02.2004 in G.O.Ms.No.378, Home (Court-III) Department. Declaration under Section 6 of the Land Acquisition Act said to have been issued on 23.03.2004. Award enquiry was fixed on 26.07.2004. The Acquisition Officer has fixed the compensation at the rate of Rs.335/- per cent. Being aggrieved, the matter was referred under Section 18 of the Act before the Land Acquisition Tribunal. Before the Land Acquisition Tribunal the claimants sought enhancement of Rs.15,000/- per cent. The Land Acquisition Tribunal, after considering the materials particularly sale deed dated 20.01.2003, the Land Acquisition Tribunal has enhanced the compensation at the rate of Rs.6,000/- per cent with 30% solatium with interest at the rate of 12%. Challenging same, the present appeals are filed.

4. When the matter was referred to the Tribunal, on the side of the claimant, C.W.1 to C.W.3 were examined and Exs.C1 to C6 were marked and on the side of the respondent R.W.1 was examined and no exhibit was marked.

5. The learned counsel appearing for the appellant submitted that during the proceedings before the Land Acquisition Tribunal, the claimants have only adduced Ex.C1 as prior sale deed. After the disposal of the suit and during the pendency of these appeals before



this Court, they came to know that other lands were dealt for higher value in earlier sale deeds of the year 2003 dated 30.10.2003. Besides, the guideline value for the period from 01.04.2003 obtained from the Registration Department clearly indicates that prior to the notification, the value of the agricultural land per acre was Rs.1,72,000/-. It has not been taken into consideration, which are very relevant to arrive just compensation for the acquired land. Hence, the learned counsel for the claimants submitted that the documents, which are sought to be marked as additional evidence, have to be admitted in evidence and the compensation should be enhanced.

6. The learned Additional Government Pleader appearing for the official respondent would contend that the Tribunal has fixed the compensation as per the documents filed by the claimants. Therefore, the same does not warrant any interference.

7. From the above pleadings, now the points arise for consideration are:

(1) Whether the compensation fixed by the Tribunal is reasonable on the basis of the relevant materials?

(2) Whether the additional documents now filed can be admitted without any evidence?

8. Heard the learned counsel for the appellants and the learned Additional Government Pleader appearing for the official respondent and perused the materials placed on record.

9. Admittedly, the lands were acquired for constructing a Sub Court building at Theni District. The claimants before the Tribunal have only filed Ex.C1, dated 20.01.2003 to show the market value of the property and the Tribunal has also considered the same and enhanced the compensation from Rs.335/- to Rs.6,000/- per cent. Now the documents sought to be filed as additional documents are the sale deed, dated 30.10.2003 and the guideline value obtained from the Registration Department. The entries found in those documents clearly indicate that the value of the acquired land is more than Rs.1.72 lakhs per acre, which is prior to the acquisition proceedings, i.e., notification under Section 4(1) of the Act and the sale deed now sought to be marked also indicates that a square feet of the land was sold for a sum of Rs.16 in the year 2003 itself. Therefore, this Court is of the view that the value of the property is more than the compensation fixed by the Tribunal at the relevant point of time and the documents now sought to be marked is also to be brought on record and proved in a proper manner by adducing evidence.

10. Since the said documents were not filed before the Tribunal at the relevant point of time, in order to give an opportunity to the claimants to prove those documents before the Court is inclined to remand the matter back to the



Tribunal by setting aside the entire award passed by the Land Acquisition Tribunal.

11. Accordingly, this Court sets aside the entire order passed by the Land Acquisition Tribunal in L.A.O.P.No.1 of 2003, dated 31.03.2003 and remands the matter back to the Land Acquisition Tribunal to pass orders on merits by considering the additional documents now filed, namely sale deed and guideline value. It is also open to the parties to adduce any other further documentary evidence before the trial Court. The Land Acquisition Tribunal is hereby directed to admit the additional documents now filed before this Court and after giving sufficient opportunity to the parties dispose of L.A.O.P.No.1 of 2003 within a period of three months from the date of receipt of a copy of this order. The Court has to see compensation arrived is reasonable to the parties, whose lands have been taken by the Government for public purpose and find out that there is no arbitrariness in arriving such compensation.

12. In the result, these appeal suits are allowed. No costs. Consequently, connected miscellaneous petition is closed.

13. The Registry is directed to return all the documents filed along with the miscellaneous petition (C.M.P.(MD)No.1169 of 2016) along with other connected records to the Sub Court (Land Acquisition Claims Tribunal), Periyakulam within a period of ten days.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Sub Court (Land Acquisition Claims Tribunal), Periyakulam.

2.The Section Officer, (2C)

Vernacular Records,

Madurai Bench of Madras High Court, Madurai.

Note: Additional document filed to be returned to the Sub Judge/Tribunal

+1 CC to M/s.SPL GP (SR-3483[F] dated 05/02/2021)

+4 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-3427[F] dated, 3426

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-3714[F] dated 08/02/2021)

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04.02.2021

PM(CO)

KB(12.02.2021) 4P 10C

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