



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.02.2021

CORAM

The HONOURABLE MR.JUSTICE N. SATHISH KUMAR

A.S(MD)No.94 of 2016

1.Janaki Ammal

2.Hamsa Kalyani

... Appellants / Claimants 3 & 4

Lrs of Claimants 1 & 2

Vs.

1.The Land Acquisition Officer (RDO),

Sivakasi.

... 1st Respondent (Land Acquisition Officer)

2.Tamil Nadu Electricity Board,

Rep. By its Superintendent Engineer,

Virudhunagar.

... 2nd Respondent (Beneficiary)

Prayer:- Appeal Suit filed under Section 54 of the Land Acquisition Act against the award dated 29.06.2001 passed in LAOP.No.24 of 2000 on the file of the Sub Court, Sivakasi.

For Appellant

: Mr.Venkatesh

for Mr.A.Sivaji

For R - 1

: Mr.J.Gunaseelan Muthiah,

Additional Government Pleader.

For R - 2

: No appearance

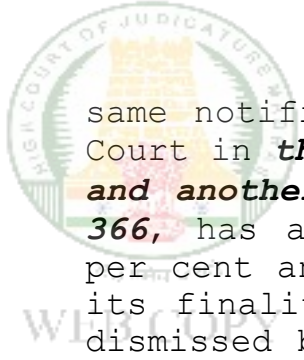
JUDGMENT

This Appeal Suit has been preferred by the claimants, against the award dated 29.06.2001 passed in L.A.O.P.No.24 of 2000 on the file of the Sub Court, Sivakasi, mainly to enhance the compensation.

2.A Notification under Section 4(1) of the Land Acquisition Act has been published for acquiring the land for the purpose of electricity sub-station and also for the residential quarters intended for the officers. The Land Acquisition Officer has fixed the value at the rate of Rs.10,000/- per acre (Rs.100 per cent). Under objection, a reference under Section 18 of the Act was filed, which has been decided by the Land Acquisition Tribunal. The appellants land was measuring to an extent of 440 cents in Anupankulam Village. Though it is referred in the Tribunal order as Viswanatham Village, both the learned counsel fairly conceded that the subject property acquired under the notification is situated in Anupankulam Village, Sathur Taluk. The Tribunal had decided three references in the common judgment and enhanced the compensation at the rate of Rs.587.75/- per cent and deducted 20% towards charges. As against which, the present Appeal Suit has been filed.

3.The learned counsel appearing for the appellants submitted that for the similarly situated lands which were acquired under the

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same notification for the same purpose, the Division Bench of this Court in ***the Revenue Divisional Officer (Land Acquisition), Sivakasi and another Vs. S.Alagarswamy and others*** reported in (2001) 3 MLJ 366, has already fixed the compensation at the rate of Rs.3,050/- per cent and reduced charges at 10% and the said Judgment reached its finality. The appeal filed against the above judgment is also dismissed by the Hon'ble Apex Court in Civil Appeal Nos.173 to 176 of 2002 on 16.04.2009 and hence, prayed for enhancement of compensation as per the Judgment of the Honourable Apex Court.

4.The learned Additional Government Pleader appearing for the first respondent has not disputed the Judgment of the Division Bench of this Court and prayed for dismissal of the Appeal Suit.

5.Now the point that arise for consideration is whether the value fixed by the Tribunal is reasonable or required to be enhanced.

6.Before the Tribunal, on the side of the claimants, six witnesses were examined and Exs.A.1 to A.6 were marked. Though the Tribunal has fixed the value, on the basis of the documents filed by the claimants, it is to be noted that some of the claimants in respect of their lands acquired in the same property in the same Village, have filed documents in L.A.O.P.Nos.74, 77, 79 and 82 of 1998 and in the above matters, the Tribunal has fixed the compensation at the rate of Rs.3,050/- per cent, which was challenged before the Division Bench of this Court and the Division Bench has confirmed the award. In the above referred judgment, the document C2-sale deed much prior to 4(1) notification was taken into consideration by the Division Bench and confirmed the compensation fixed by the Tribunal. Therefore, this Court is of the view that since the claimants have not produced particular document in this case, that cannot be a ground to non-suit a reasonable compensation and it is the duty of the Courts to see that a fair and reasonable compensation has to be paid to the land owners, who are forced to the state of landless. As the Government has not disputed the fact that similarly situated lands which were acquired under the same notification for the same purpose, compensation was already fixed at Rs.3050/-, this Court is of the view that in order to adopt uniformity and reasonableness, the same compensation would be awarded to the appellants herein based on the matters which has already reached its finality. Accordingly, the compensation fixed by the Tribunal at the rate of Rs.587.75/- per cent is enhanced to Rs.3,050/- per cent and the development charges reduced to 10% from 20% as fixed by the Tribunal.

7.With the above modification, this Appeal Suit is allowed. No costs. The appellants shall pay the Court fee for the enhanced compensation amount. The first respondent is directed to pay the enhanced compensation amount with interest, at the rate as ordered



by the Land Acquisition Tribunal, within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

To

1.The Sub Court,
Sivakasi.

2.The Record Keeper, (2C)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.GP (SR-3481[F] dated 05/02/2021)

A.S (MD) No.94 of 2016
04.02.2021

AC (CO)

KB(26.02.2021) 3P 5C