



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

**DATED : 27.01.2021**

**CORAM:**

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

**A.S. (MD)No.205 of 2015**

**and**

**M.P. (MD)No.1 of 2015**

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The Special Tahsildar  
Land Acquisition,  
Adi Dravidar Welfare,  
Paramakudi.

...Appellant/Respondent

Vs.

S.A.Noorjahan Beevi

...Respondent/Petitioner

**PRAYER:** This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the Sub Court, Paramakudi made in L.A.O.P.No.20 of 2000 dated 09.09.2008.

For Appellant : Mr.J.Gunaseelan Muthiah  
Additional Government Pleader

For Respondent : No Appearance

**JUDGMENT**

Aggrieved over the order of the Tribunal enhancing the compensation from Rs.160/- per cent to Rs.1,800/- 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) The claimant is the owner of the property in Survey No.179/2 for an extent of 0.78.5 hectares (1 acre and 94 cents), which was acquired for issuance of free house site patta for the people belonging to Adi Dravidar Community. The Land Acquisition Officer fixed the value of the property at the rate of Rs.160/- per cent (totally Rs.45,451/-). Thereafter, the matter has been referred to the Tribunal under Section 18(1) of the Act.

(ii) Before the Tribunal, on the side of the claimant, P.W.1 was examined and Exs.P1 to P4 were marked and on the side of the respondent R.W.1 was examined and Exs.R1 to R4 were



4. The Land Acquisition Tribunal after considering both the documents and oral evidence has enhanced the compensation at the rate of Rs.1,800/- per cent with 30% solatium with interest at the rate of 12%. Challenging same, the present appeal is filed.

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5. The learned Additional Government Pleader appearing for the appellant submitted that since the land is acquired for issuance of house site patta to the Adi Dravidar People development charges should have been deducted by the Land Acquisition Tribunal and hence, the said finding needs interference of this Court. He would further submit that amount fixed by the Land Acquisition Officer to the lands for an extent of 30 cents in the same survey number has already been disbursed to the claimants.

6. There is no representation on the side of the respondent.

7. In the light of the above submission, now the points arise for consideration in this appeal are:

**(i) Whether the compensation fixed by the Tribunal is reasonable?**

**(ii) Whether the Land Acquisition Tribunal has erred in not deducting the development charges?**

8. The land in question was acquired for issuance of free house site patta to the Adi Dravidar Community People. The Land Acquisition Tribunal has considered Exs.P1 to P4, besides the lie and location of the property and enhanced the compensation at the rate of Rs.1,800/- per cent. It is submitted by the learned Additional Government Pleader that the compensation fixed by the Land Acquisition Officer in respect of the part of the property was also disbursed, however, development charges have not been deducted in that cases also.

9. The acquired lands are situated within the developed area and dwelling houses were also constructed. Though development charges are also required to be deducted, as the appellant has paid the amount already fixed by the Tribunal to some of the claimants in respect of the lands acquired for the same purpose in the same place, they now cannot adopt a different standard in respect of this respondent seeking to deduct development charges.

10. Such view of the matter, this Court does not find any error in the order of the Tribunal. Accordingly, the points arose for consideration in this appeal are answered.



11. In the result, the present Appeal Suit is dismissed confirming the judgment and decree of the Sub Court, Paramakudi made in L.A.O.P.No.20 of 2000 dated 09.09.2008. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge, Paramakudi.

2.The Section Officer-2 copies

Vernacular Records,

Madurai Bench of Madras High Court,

Madurai.

+1 CC to SGP ( SR-2348[F] dated 29/01/2021 )

+1 cc to Mr.S.Chinnaiah , Advocate SR.No.2685

Judgment made in  
A.S.(MD)No.205 of 2015  
27.01.2021

KM (17.02.2021) 3P 6C