



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.91 of 2015
and M.P.(MD)No.1 of 2015

WEB COPY

The Land Acquisition Officer and
Revenue Divisional Officer,
Pudukkottai.

... Appellant/Referring Officer

Vs.

1.Kaadappan (Died)
2.Azhagappan (Died) ... Respondents 1 & 2/Claimants
3.AL.Thangatamil Mullai
4.AL.Senthamizh Eniyan
5.AL.Gokulapriya ... Respondents 3 to 5
(Respondents 3 to 5 are brought on record as
legal heirs of deceased 2nd respondent vide
order dated 19.02.2021 in C.M.P.(MD)Nos.
769 to 771/2021)
6.Lakshmi
7.Ramachandran
8.Jaya
9.Saravanan
(Respondents 6 to 9 are brought on record as
legal heirs of deceased 1st respondent vide
order dated 19.02.2021 in C.M.P.(MD)Nos.
764, 766 & 767/2021) ... Respondents 6 to 9

PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act against the judgment and decree of the learned Subordinate Judge of Pudukkottai in L.A.O.P.No.106 of 1995, dated 21st day of December 2000.

For Appellant : Mr.J.Gunaseelan Muthaiah
Additional Govt. Pleader.

For Respondents : Mr.K.Balasundaram

JUDGMENT

Aggrieved over enhancement of compensation from Rs.35.71 to Rs.385/- per cent, fixed by the Land Acquisition Tribunal, the present Appeal Suit has been filed.

2. The brief facts, leading to the filing of this Appeal Suits, are as follows:

An extent of 0.875 Hectares land in S.No.577/4, situated at



Melapanaiyoor Village, were acquired on 27.08.1982 for issuing free house sites. The Land Acquisition Officer has fixed the compensation at Rs.35.71 per cent. On objections, a reference was made under Section 18(1) of the Land Acquisition Act before the Sub-Court, Pudukottai.

WEB COPY

3. Before the Land Acquisition Tribunal, on the side of the appellant P.W.1 was examined and Exs.A1 and A2 were marked. On the side of the respondents, two witnesses were examined as R.W.1 and R.W.2 and Exs.B1 and B2 were marked.

4. The Land Acquisition Tribunal after analyzing the entire materials, enhanced the compensation from Rs.35.71 per cent to Rs.385/- per cent. Challenging the same, the present appeal suit has been filed.

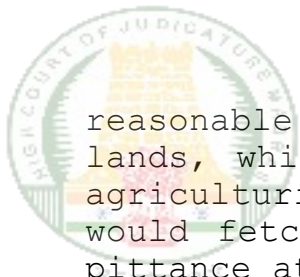
5. The learned Additional Government Pleader appearing for the appellant would submit that the Land Acquisition Tribunal has taken note of Ex.B1-Sale deed, in respect of the neighboring land, which was much prior to the notification, wrongly fixed the value at Rs.385/- per cent and hence, prays for allowing the Appeal Suit.

6. The learned Counsel appearing for the second respondent would submit that considering the location and area, the Land Acquiring Tribunal has rightly enhanced the compensation from Rs.35.71 per cent to Rs.385/- per cent and hence, prays for dismissing the Appeal Suit.

7. In the light of the submissions made by both sides, now the point arise for consideration is as follows:

Whether the compensation fixed by the Land Acquisition Tribunal is reasonable without any evidence?

8. It is not in dispute that the lands were acquired for the purpose of issuing free house sites. The Reference Court has considered the entire materials produced before it and factually found that the acquired lands are situated near the highways leading to Pudukottai-Ponnamaravathi and there are well developed residential plots and fixed the compensation at Rs.385/- per cent. The above sum was fixed based on the location of the area, where the acquired lands were situated. Therefore, this Court is of the view that when the Reference Court has considered the materials factually, it cannot be said that the compensation fixed is higher compensation. Even if a dry land was acquired, at the time of notification, it is relevant to note that being the State machineries, the action of the State should not affect the ordinary citizens and being the welfare State, their actions should benefit the citizens. Though the right to hold the property is a constitutional right, but now the same is also recognized as a human right, such right cannot be deprived by the State, by throwing evidence in the name of compensation. State action should be



reasonable without any arbitrariness. To be noted that even in dry lands, which are not fit for agricultural activities, the ordinary agriculturists even rear cattle and if they sell their cattle, it would fetch more amount than the compensation which appears to be pittance at the relevant point of time.

WEB COPY

9. Therefore, this Court is of the view that the order of the Reference Court is well reasonable and based on the factual aspects. Accordingly, this Court does not find any infirmity or error in the order.

10. In the result, this Appeal Suit is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Subordinate Judge, Pudukkottai

Copy to
The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai (2 copies)

+1 CC to M/s.SPL GP (SR-6478[F] dated 22/02/2021)

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-6508[F] dated 22/02/2021)

A.S. (MD) No. 91 of 2015
and M.P. (MD) No. 1 of 2015
19.02.2021

SRK(CO)
TR(20.05.2021) 3P 6C