



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.87 of 2018

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The Revenue Divisional Officer,
Aruppukottai.

...Appellant/Referring Officer

Vs.

Sathiyabama

...Respondent/Claimant

PRAYER: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the learned Land Acquisition Tribunal, Subordinate Court, Virudhunagar in L.A.O.P.No.4 of 2004 dated 26.02.2004.

For Appellant : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For Respondent : No Appearance

JUDGMENT

Aggrieved over the order of the Land Acquisition Tribunal enhancing the compensation from Rs.2.77/- per sq.ft to Rs.10/- per sq.ft., 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) Under notification dated 20.09.1989 under Section 4(1) of the Land Acquisition Act, land in Survey Nos.13/3 in Plot Nos.17 and 20 for an extent of 30.20.75 sq.ft and 2319.1875 sq.ft. was acquired for construction of Central Excise Office and Officers Quarters. The Land Acquisition Officer fixed the compensation at the rate of Rs.2.77/- per sq.ft. Thereafter, the matter has been referred to the Tribunal under Section 18(1) of the Act as the claimants have claimed Rs.15/- per sq.ft. as compensation.

(ii) Before the Tribunal, on the side of the claimant, C.W.1 was examined and Exs.C1 to C4 were marked and on the side of the respondent no witness was examined and Exs.R1 to R4 were marked.



(ii) The Land Acquisition Tribunal after taking note of the evidence particularly, Ex.C1, dated 16.07.1987, wherein a sq.ft of the land in the same locality has been sold at the rate of Rs.15/- and Ex.C2, dated 29.05.1988, by which similar sale has been taken place, enhanced the compensation at the rate of Rs.10/- per sq.ft. after deducting 40% as development charges with 30% solatium with necessary interest. Challenging same, the present appeal is filed.

4. The learned Additional Government Pleader appearing for the appellant submitted that the value of the property has been properly assessed by the Land Acquisition Officer and the land acquired is not adjacent to the highway. Hence, prayed for dismissal of this appeal suit.

5. In the light of the above submission, now the point arises for consideration in this appeal are:

(i) Whether the compensation enhanced by the Land Acquisition Tribunal is unreasonable and without any basis?

6. Notice under Section 4(1) of the Act was issued in the year 1989. Exs.C1 to C3 indicate that even in the year 1987, which is much prior to the official notification, the lands were dealt for higher value and a sq.ft. was sold at the rate of Rs.15/-. Ex.R4, was only taken note by the Land Acquisition Officer, which was three years prior to the notification. Besides, the Land Acquisition Tribunal has also taken note of several developments that have taken place in the acquired land. Taking note of the documents, which are prior to the notification, the Land Acquisition Tribunal has fixed the compensation at the rate of Rs.10/- per sq.ft. after deducting 40% as development charges.

7. On perusal of the entire documents, this Court is of the view that the Land Acquisition Tribunal has considered and appreciated the documents as per law and arrived at the compensation. The Land acquired is a small extent, therefore, this Court does not find any infirmity or irregularity in the order passed by the Land Acquisition Tribunal. Accordingly, the point arose for consideration in this appeal is answered.

8. In the result, the present Appeal Suit is dismissed confirming the judgment and decree of the Sub Court, Virudhunagar in L.A.O.P.No.4 of 2004 dated 26.02.2004. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar(CS)



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1.The Sub Court, Virudhunagar.

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

+1 CC to M/s.GP (SR-3271[F] dated 04/02/2021)

Judgment made in
A.S.(MD)No.87 of 2018
03.02.2021

ARK(CO)
TR(01.03.2021) 3P 5C