



A.S.No.1059 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE N.MALA

A.S.No.1059 of 2012

The Land Acquisition Officer,
Special Tahsildar [LA] Unit – 2
Bharathiar University
Coimbatore.

.. Appellant

Vs.

- 1.Krishnaswamy
- 2.R.Murugesan
- 3.Rangappa Mudaliar
- 4.Marappan
- 5.Ponnammal
- C.Arunachala Mudaliar (Deceased)
- A.Vellingiri (Deceased)
- 6.Thulasiyammal
- 7.Saraswathi
- Venkidachalam (Deceased)
- Angammal (Deceased)
- 8.Murugesan
- 9.Subramaniam
- 10.Malayakkal
- 11.Ayyasamy
- 12.Angannan
- Muthan Chettiyar (Deceased)
- 13.M.Ranganathan



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- 14.M.Ramasamy
- 15.K.Nagaraj
- 16.Palanisamy
- 17.Kaliammal
- 18.Kuppathal @ Pappathi
G.Rangasamy (Deceased)
- 19.Muthammal
- 20.Palaniappan
- 21.N.Duraisamy
- 22.Kaliyammal
- 23.Ramasamy
- 24.Subramaniam
- 25.Palaniammal
- 26.Vellingiri
- 27.S.Palanisamy
- 28.S.V.Subramaniam
- 29.N.Rangasamy
- 30.Nanjappan
- 31.R.Natarajan
Veerammal (Deceased)
- 32.Rajammal
- 33.R.Muthusamy
- 34.R.Thangavelu
- 35.R.Arumugam @ Arukutty
- 36.R.Rajan
- 37.M.Sadaiyappan
S.V.Kaliyanna Mudaliar (Deceased)
- 38.S.K.Mani
- 39.S.K.Balashanmugasundaram
- 40.Rukmani
- 41.M.Nanji Chettiyar @ Nanjappa Chettiyar
- 42.M.Muthan Chettiyar
- 43.Kittammal
- 44.Karuppusamy
- 45.Gurusamy
- 46.Murugesan



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- 47.Murugathal
- 48.Visalatchi
- 49.Rajeswari
- 50.Ilavar Sasikumar
- 51.Ilavar Nagaraj
- 52.Murugathal
- 53.Pushpa
- 54.V.Maheswaran
- 55.Lakshmi
- 56.Shanthi
- 57.R.Sivakumar
- 58.Saraswathy
- 59.Krishnamurthy
- 60.Viswanathan
- 61.Vasanthi
- 62.Ayyammal
- 63.Muthusamy
- 64.Rajammal
- 65.Kamalam
- 66.Mayilsamy
- 67.Venkittammal
- 68.Ranganathan
- 69.Ramasamy
- 70.Thulasiammal
- 71.The Registrar

Bharathiyar University Post,
Coimbatore-46.

.. Respondents

Prayer:- Appeal Suit filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the I Additional Sub Court, Coimbatore in LAOP.No.254/1986 dated 29.10.2007.

For Appellants

:

Mr.T.Chandrasekaran
Special Government Pleader



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For R2, R5, R8, R47,
R49, R63 to R69 : Mr.A.Stalin

For R6 & R59 : M/s.M.Sivagamasundaram
For R32 : Mr.G.K.Muthu Kumar
For R52 to 58, 60 & 61 : Mr.D.Krishna Pradeep
For R71 : Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar

JUDGMENT

[Judgment of the Court was delivered by **S.S.SUNDAR, J.,**]

- (1) The Appeal Suit is preferred by the Land Acquisition Officer as against the judgment and decree of the Reference Court, namely, the I Additional Sub Court, Coimbatore, in LAOP.No.254/1986 dated 29.10.2007.
- (2) An extent of about 676 acres of land in Somayampalayam Village, were acquired for Bharathiar University by issuing different Notifications. It is admitted that the subject lands were acquired vide a Notification under Section 4[1] published on 02.06.1982. It is admitted that an Award was passed in Award No.2 of 1985 by order dated 01.11.1985 in respect of an extent of 47.97 acres. At



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the instance of the land owners who are respondents in this appeal, a Reference was made under Section 18 of the Land Acquisition Act in LAOP.No.254 of 1986. A few more Reference cases arising under the same Notification were also taken on file in LAOP.Nos.198, 252, 255 and 256 of 1986. All the above cases were decided by a common judgment dated 29.10.2007. The acquired lands are comprised in S.Nos.66 to 77 in Somayampalayam Village, Coimbatore North Taluk.

- (3) The Land Acquisition Officer, namely, the appellant herein, fixed the compensation on the basis of the Sale Exemplar dated 09.09.1981. The compensation was fixed by taking the market value at Rs.7142.85/- per acre. From the Award proceedings, more than 160 documents of sales were collected. Only a few documents were considered with regard to extent, value and other particulars. Many of the documents, were discarded either on the ground that the sale exemplars show higher value or on the ground that Sale Deeds are in respect of small extents. Before the Reference Court, the claimants have marked Exs.C1 to C6 and claimed compensation



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at the rate of Rs.3,000/- to Rs.10,000/- per cent. Out of six documents, Ex.C1 is a Sale Deed dated 11.07.1977. Ex.C2 is another document of Sale dated 09.09.1982. Ex.C3 and Ex.C4 are also sale exemplars indicating the transaction in 1984 and 2006 respectively. However, it is seen that the claimants have relied upon subsequent documents to show how the land value has increased steeply over a period of time. As a matter of fact, the subsequent documents would indicate that the market value has increased by twenty or thirty times when compared to the market value as on the date of 4[1] Notification. The document-Ex.C1 is the Sale Deed dated 11.07.1977, where an extent of 2.5 cents had been sold for a sum of Rs.5,500/- and the document-Ex.C2 is dated 09.09.1982 which shows the value at Rs.3,000/- per cent. Ex.C3 is dated 29.02.1984 showing the value of Rs.10,000/- per cent. Exs.C5 and C6 are the copies of judgment in LAOP.No.105 of 1985 and LAOP.No.36 of 1986. Considering the overall documents and evidence adduced on behalf of the claimants and the appellant, the Reference Court fixed the compensation at Rs.2,600/- per cent for



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the lands covered in LAOP.No.254 of 1986. For the lands which are the subject matter of connected LAOPs the Reference Court fixed the market value at the rate of Rs.2,800/- per cent. Aggrieved by the judgment in LAOP.No.254 of 1986, the above Appeal Suit is preferred by the appellant.

- (4) Even though the Reference Court has disposed of all the Reference cases by a common order, the learned Special Government Pleader appearing for the appellant is unable to trace the fate of the judgment and decree in the other connected LAOPs. Be that as it may, this Court is inclined to dispose of this Appeal on the basis of the materials that are available before this Court.
- (5) From the evidence, it is admitted that the acquired lands are located on either side of Coimbatore-Marudhamalai Main Road. It is seen that Somayapalayam Village is very near the city and the development is remarkable at the relevant point of time. The subsequent Sale Deeds relied upon by the claimants would show that the lands surrounding acquired lands have been developed as valuable house sites and industrial complexes. Since the land is



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located on either side of the main Road and the sale exemplars collected by the Land Acquisition Officer at the time of passing Award also indicates that the value of the land at the time of acquisition was up to Rs.3000/- per cent, this Court is unable to reduce the market value.

- (6) The learned Special Government Pleader appearing for the appellant relied upon the judgment of a Division Bench of this Court dated 25.08.2009 in AS.No.388/1995 [*The Special Tahsildar, Land Acquisition, Bharatiyar University, Unit No.4, Coimbatore Vs. Marudappa Gounder and others*]. In respect of the lands acquired in Vadavalli Village for Bharatiyar University, the Division Bench had the occasion to decide the proper deduction at 15% towards development. Relying upon the said judgment, the learned Special Government Pleader would submit that the Reference Court ought to have allowed deduction at least at 15% towards development. The sale exemplor marked as Ex.C1 is a document which would indicate that market value is around Rs.2000/- per cent even in the year 1977. It is now settled that the



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sale exemplors showing highest value should be adopted unless there are other compelling circumstances.

- (7) It is now well settled that the Reference Court should adopt 10% to 12% per annum towards escalation of price. If that is adopted, the market value as on the date of the 4[1] Notification even as per Ex.C1 should be more than Rs.3000/- per cent. Assuming that there should be a deduction of 15% towards development, the market value cannot be less than Rs.2600/- per cent. Considering the entire evidence on record and the sale exemplors, this Court is of the view that the amount of compensation on the basis of the market value at Rs.2,600/- per cent, as on the date of 4[1] Notification cannot be considered as excess or arbitrary.
- (8) This Court has perused the entire evidence. The claimants have established by sufficient evidence that the market value has gone at rocket speed and the increase in land cost is not less than 20 times the value over a period of 20 years. The acquisition in this case is by issuance of several Notifications in the year 1982. This Court confirms the order of the Reference Court fixing the market value at



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Rs.2,600/- as on the date of Notification i.e., 02.06.1982. The compensation that was awarded and reached the hands of the claimants is just 1/50th of the amount which has now been decided as the proper value for the lands. Nearly after 40 years from the date of 4[1] Notification, the compensation fixed at Rs.2,600/- may reach the hands with statutory benefits including interest at 15% after the first year of taking possession.

- (9) It is also represented by the learned counsel for the respondents that Bharatiyar University has sold substantial portion of the land acquired at a heavy cost. However, this Court taking into account the facts, can infer that with the amount that is going to be paid to the land owners/claimants by way of compensation for the land as per this order, the claimants may not be in a position to purchase 1/20th of the land which was taken from them. The pendency of proceedings for enhancement for more than 36 years has caused substantial injury/injustice to the claimants. In that view of the matter, this Court is unable to interfere with the judgment and decree of the Reference Court and the Appeal Suit stands **dismissed**



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as devoid of merits confirming the judgment and decree of the learned I Additional Sub Court, Coimbatore in LAOP.No.254/1986 dated 29.10.2007.

- (10) The learned counsel for the claimants submitted that the Reference Court disposed of the LAOPs in the year 2007. However, these appeals were filed with the inordinate delay and therefore, the claimants are put to serious prejudice.
- (11) Taking into consideration the submission made by the learned counsel for the claimants, the appellant is directed to deposit the entire amount of compensation payable to the claimants for an extent of 3 acres 26 cents which was acquired from the claimants out of 45.05 acres covered by the notification involved in this proceedings, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

**(S.S.S.R., J.) (N.M., J.)
08.11.2022**

cda
Index : Yes/No
Speaking/Non Speaking order



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S.S.SUNDAR, J.,
AND
N.MALA, J.,

cda

To

- 1.The I Additional Sub Court,
Coimbatore.
- 2.The Land Acquisition Officer,
Special Tahsildar [LA] Unit – 2
Bharathiar University
Coimbatore.
- 3.The Registrar
Bharathiyar University Post,
Coimbatore-46.
- 4.The Section Officer
VR Section, High Court
Chennai.

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