



AS.No.1061/2012

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

AS.No.1061/2012 & CMP.No.1/2012

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

.. Appellant

Vs.

- 1.Muthanchettiyar
Marudhan Chettiar [Deceased]
- 2.Nachimuthu @ Nangi Chettiyar
- 3.Baby
Nanjammal [Deceased]
- 4.Subramanian
- 5.Kuppathal
- 6.Angathal
- 7.Velathal
- 8.Kumarasami Chettiyar
- 9.Draupathi Ammal
- 10.Lakshmi
- 11.Muthusamy
- 12.Thangavelu



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13. R.Rajan
- 14.Arumugam
- 15.Natarajan
- 16.Santhal
- 17.Nanjappan
- 18.Ramasamy Chettiyar
- 19.Marathal
- 20.Arukutti
- 21.Rangasamy
- 22.Nanjappan
- 23.Ramasamy
- 24.Minor Jothimani rep.by
Guardian and mother Mylathal
- 25.Nanjappa Chettiyar
- 26.Ponnusamy
- 27.Masiriyammal
- 28.Marudhappa Chettiyar
- 29.Palaniappan
- 30.Poovathal
- 31.Natarajan
- 32.Murugesan
- 33.Rangamal
- 34.Kaliappan
- 35.Duraisamy
- 36.Rajamani
- 37.Selvaraj
- 38.Kamalathal
- 39.Kaliammal
- 40.Murugesan
- 41.Mayilsamy
- 42.Savithiri
- 43.Sumathi
- 44.Ponnammal
- 45.Saravana Muthu
- 46.Nataraj



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47. Shanmugam
48. Kaliammal
49. Subramaniam
50. Arumugam
51. Palaniappan
52. Saraswathi
53. Meignanamurthy
54. Balakrishnan
55. 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 learned I Additional Subordinate Judge, Coimbatore in LAOP.No.94/1987 dated 29.10.2007.

For Appellant	:	Mr.T.Chandrasekaran Special Government Pleader
For RR 33 to 37 & 49 to 54	:	Mr.G.K.Muthukumar for M/s.R.Vijayasudha

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 Subordinate Court, Coimbatore, in LAOP.No.94/1987



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- (2) An extent of about 30 acres of land in Somayampalayam and Vadavalli Village, were acquired for Bharathiar University by issuing a Notification under Section 4[1] dated 02.06.1982. It is admitted that an Award was passed in Award No.3/1986 by order dated 16.07.1986. At the instance of the land owners, a Reference was made under Section 18 of the Land Acquisition Act in LAOP.No.94/1987. A few more Reference cases were also taken on file in LAOP.Nos.31, 32, 87, 88 and 108/1986 and 101/1987. All the above cases were decided by a common order dated 29.10.2007.
- (3) The Land Acquisition Officer, namely, the appellant herein, fixed the compensation on the basis of the Sale Exemplor dated 16.07.1986. The compensation was fixed by taking the market value at Rs.5172.40p., per acre. From the Award proceedings, more than 160 documents were taken and 75 of such sales were found to be in respect of lands within one mile radius. Out of 75 documents, many



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were discarded on the ground that the sale exemplors show higher value or on the ground that lands covered are small extents. Before the Reference Court, the claimants have marked Exs.C1 to C7 and claimed compensation at the rate of Rs.5000/- to Rs.10,000/- per cent. Out of six documents, which are sale exemplors, Exs.C2, C5, C6 are Sale Deeds executed in 2004 and 2006, long after acquisition. However, it is seen that the claimants have relied upon these 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, when an extent of 2.5 cents had been sold for a sum of Rs.5,500/- and the document-Ex.C3 is dated 09.09.1982 which shows the value at Rs.3,000/- per cent. From the sale exemplors collected by the Land Acquisition Officer, reflects the land value in the same village during the relevant period upto Rs.3,000/- per cent. Considering the overall documents and evidence adduced on behalf



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of the claimants and the appellant, the Reference Court fixed the compensation at Rs.2,600/- per cent. Aggrieved by the same, 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 housing sites. Since the land is located on either side of the main Road and the sale exemplars relied upon by the Land Acquisition Officer at the time of passing Award also indicates that the value of



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the land at the time of acquisition is upto 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 sale exemplors showing highest value should be adopted unless there are other compelling circumstances.



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- (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 at 15% towards development, the market value cannot be less than Rs.2600/- per cent. Considering the entire evidence on record and the sale exemplars, 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 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



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claimants is just 1/50th of the amount which has now been decided as the proper value for the lands.

- (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 by as per this order, the claimants may not be in a position to purchase 1/50th of the land which was taken from them. The pendency of proceedings for enhancement for more than 26 years had already 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 as devoid of merits confirming the judgment and decree of the learned I Additional Subordinate Judge, Coimbatore in LAOP.No.94/1987 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



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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 within a period of two months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [GCSJ]
03.11.2022

AP

Internet : Yes

To

- 1.The I Additional Subordinate Judge
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.

S.S.SUNDAR, J.,



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