IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS. JUSTICE N.MALA

AS. Nos.564 of 2011, 108 to 131 of 2012,
AS.Nos.565 and 422 to 426 of 2011
and connected MPs.

The Special Tahsildar (LA),
Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Egmore, Chennai - 8.
Now Office at Koyambedu wholesale Market Complex,
Chennai - 600 092.
.. Appellant in AS.No.564 of 2011

Versus

1. G.Sathyanarayanan
2. The Member Secretary,
   Chennai Metropolitan Development Authority,
   Egmore, Chennai 600 008.

.. Respondents in AS.No.564 of 2011

PRAYER in AS. No.564 of 2011: First Appeal filed under Section 96 of C.P.C., against the judgment and decree dated 23.03.2011 in LAOP No.172 of 2008 on the file of the Additional District Court (FTC-II), Poonamallee.

For appellant (in AS.No.564 of 2011) : Mr.T.Chandrasekaran
Special Government Pleader

Fore respondents
(in AS.No.564 of 2011)
for R1 : Mr.S.Saravanakumar
for M/s.I.Abrar Mohamed Abdullah

for R2 : Mr.P.Kumaresan, AAG
assisted by Ms.K.Mageswari,
Panel Advocate for CMDA

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by S.S.SUNDAR, J)

All the above appeals are filed by the Special Tahsildar (Land Acquisition), Outer Ring Road Project, Chennai Metropolitan Development Authority as against the enhancement of compensation granted by the Reference Court, viz., Additional District Court (FTC-II), Poonamallee.

2. Heard Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the appellant, Mr.P.Kumaresan, learned Additional Advocate General assisted by Ms.K.Mageswari, learned panel Advocate for CMDA, appearing for the second respondent and Mr.S.Saravanakumar, learned counsel appearing for the first respondent.

3. All the lands, which are subject matter of the above appeals, are acquired by 3 different notifications issued under Section 4(1) of the Land Acquisition Act 1894. By notifications dated 30.10.2003, 14.11.2003 and 04.12.2003, the subject lands along with other lands in several Survey Numbers in Morai Village, Tiruvallur District were acquired for the purpose of formation of Outer Ring Road from Vandalur to Minjur, which was undertaken by the Chennai Metro Development Authority. Since acquisition was under 3 different notifications, 3 different Awards were passed. Award No. 19 of 2006 dated 30.11.2006 was passed in respect of the lands covered under 4(1) notification dated 04.12.2003, Award No. 18 of 2006 dated 07.11.2006 was passed in respect of lands covered under 4(1) notification dated 14.11.2003, and Award No. 16 of 2006 dated 20.09.2006 was passed in respect of the lands covered under 4(1) notification dated 30.10.2003.

4. The following tables would show the details about the lands that were acquired under the above said 3 notifications, LAOP Numbers and the First Appeal Numbers. After passing independent Awards, all the lands were taken possession on 31.05.2007.

A.S.Nos. 108 to 131 of 2012

Name of the Village	:	MORAI village
Award No. and Date	:	19 of 2006 dated 30.11.2006
Date of 4 (1) Notification	:	04.12.2003
Main Case LAOP No.	:	180 / 2008

Sl. No	LAOP No	A.S.No	Claimant Name	Lands Acquired – Extent		
				Survey No.	Hec	Cent
1	177/08	108/12	Pauline Rashmi Jacob, D/o Jacob Jayapal, New No.15,Old No.1725, 21st Main Road, Anna Nagar West, Chennai-40	427/2A1	0.02.0	0.05
2	180/08	109/12	Mrs.Anne Jacob, W/o Jacob Jayapal, New No.15, Old No.1725, 21st Main Road, Anna Nagar West, Chennai-40	420/8A 421/1B 421/3A 427/1B 427/2A1 427/3 427/4A 428/2B 428/3A2 428/5B 428/3A3	0.05.5 0.07.0 0.12.0 0.39.5 0.94.0 0.02.0 0.20.5 0.00.5 0.04.0 0.01.0 0.00.5 1.81.0	2.46

				Out of 1.81.0, 0.99.5 acquired		
3	183/08	110/12	Mrs.Mercy George W/O Isaac George 29/42, Vanchi Nagar, 7th Street Extn., Korattur, Chennai-80.	427/2 428/3	0.01.5	0.04
4	187/08	111/12	S.V.Vaityanathan S/o late Viswanatha Iyer Block T, Old No.37 New No.2, I Street, Anna Nagar West Chennai-40	427/1	0.04.0	0.10
5	191/08	112/12	Tmt. Sarojamma W/o late Sanjivi Naidu, No.2/66, Nandhi Street, Veerapuram, Morai, Chennai-55	392/5D 392/9A 393/2D 412/2A 420/6 420/7	0.03.0 0.00.5 0.01.0 0.05.0 0.12.0 0.01.0 0.22.5	0.56
6	192/08	113/12	K.G.Purushothaman S/o Govindarajulu No.305, MIG 6th Cross ERI Scheme, Mugappair, Chennai-37	420/11 B1	0.03.0	0.08
7	193/08	114/12	T.S.Kumarasami S/o Shanmuga-sundaram, 1-1-15, Bharathi Nagar, Melagaram, Tenkasi. Pin-627818	427/1 427/2A 1	0.04.0	0.10
8	194/08	115/12	T.Anandan, S/o Jayaram, Flat No.G F 3, Block I A, Centre Court, Vasanth Apartments, 1/205/3, Moovarasampet Main Road, Madipakkam.	427/1	0.04.0	0.10
9	196/08	116/12	Tmt.Rajammal W/o late Kuppusamy Naidu, 44, Anjaneyar Koil Street, Banaveduthottam Road,	392/7B 392/8B	0.04.0 0.00.5 0.04.5	0.11

			Poonamallee Post.			
10	199/08	117/12	P.Jayaraman, S/o Padavettan, No.11/19 Block, Pushpa Nagar, Nungambakkam, Chennai34	413/2A 1 D1	0.01.5	0.04
11	221/08	118/12	Tmt. Rajendra Mary, W/o Rosariya, No.7, A Block, Pachakal Veerasami Housing Board, Ayanavaram, Chennai-23.	420/8A 1	0.01.5	0.04
12	223/08	119/12	R.Vasantha W/o Ramachandran No.4, Engineer Street, Thirumalai- rajapuram, Avadi, Chennai-54.	420/15	0.01.5	0.04
13	225/08	120/12	A.Sankaralingam, S/o Arumugam G Block, No.10, S.M.Nagar, New Police Quarters, Avadi, Chennai-54	420/18	0.01.5	0.04
14	226/08	121/12	P.P.Cherian, S/o late P.V.Poulise Pullamkottai House Ezhakkanad Post Eranakulam District, Kerala-682308.	427/1	0.04.0	0.10
15	229/08	122/12	Shanthi Shanmugam C/o D.R.Ananthakrishnan No.11, Govarthan Street, Royapettai, Chennai-14.	427/2A 1	0.02.0	0.05
16	231/08	123/12	M.Selvi, W/o Murugesan 1/136A, Malliyakarai Village & Post, Athur T.K, Salem.	420/8A	0.01.5	0.04
17	249/08	124/12	C.M.Thulasidoss, S/o Munusami Naidu 2/195, Anjaneyar Koil Street, Veerapuram (Via), Avadi IAF, Morai Post, Chennai-55	413/1B 420/4B 3	0.02.5 0.00.5 0.03.0	0.08

18	250/08	125/12	P.I.Amirtharaj Muthukumar C/o Jacob Jayapal, New No.15, Old No.1725, 21st Main Road, Anna Nagar West, Chennai-40	427/2A1	0.02.5	0.06
19	279/08	126/12	S.Narayanan S/o Santhavaliyan 14C, Vidyalakshmi Street, Rajeswari Nagar, Salaiyur, Chennai-73.	427/2A1	0.02.0	0.05
20	282/08	127/12	P.Babyammal, W/o Palani, 91/A, Viyasar Nagar, 7th Street, Vyasarpadi Chennai-39	420/8A	0.01.0	0.03
21	283/08	128/12	C.Damodaran, S/o late Chinnaswami Naidu, 2/330, Camp Road, Veerapuram, Avadi IAF, Chennai-55.	392/5F 392/9C 393/2F 412/1A 413/1C 411/1A1	0.00.5 0.01.5 0.03.0 0.24.0 0.01.5 0.01.5 0.32.0	0.79
22	293/08	129/12	Krishnaveni Ammal S/o Narashimalu Naidu, 2/32, New No.1/98, Perumal Koil Street, Arakkambakkam, Pandeswaram Post, Chennai-55.	420/2A2	0.09.5	0.24
23	316/08	130/12	Kuppu Naidu, S/o Gounda Naidu, Kulathumedu, Devadanam Post, Ponneri T.K.	420/5A 420/5E 420/5D	0.19.0 0.03.0 0.12.5 0.34.5	0.85

24	446/08	131/12	P.V.Ramesh Kumar, S/o P.A.Varadarajulu 385, Ram Mansions, Pantheon Road, Egmore, Chennai-8	420/2A2	0.02.0	0.05

A.S.Nos. 422 to 426 of 2011

Name of the Village : MORAI village

Award No. and Date : 18 of 2006 dated 07.11.2006

Date of 4 (1) Notification : 14.11.2003

Main Case LAOP No. : 181 / 2008

Sl. No	LAOP No	A.S.No	Claimant Name	Lands Acquired – Extent		
				Survey No.	Hec	Cent
1	178/08	422/11	Pauline Rashmi Jacob, D/o Jacob Jayapal, New No.15,Old No.1725, 21st Main Road, Anna Nagar West, Chennai-40	458/2A 458/2B	0.12.0 0.13.0 0.25.0	0.62

2	181/08	423/11	Mrs.Anne Jacob, W/o Jacob Jayapal, New No.15, Old No.1725, 21st Main Road, Anna Nagar West, Chennai-40	436/5B 460/5B 459/1A2 459/1B2	0.17.5 0.00.5 0.18.0 0.32.0 0.00.5 0.32.5	
				Out of 0.32.5 0.21.0 acquired		
			1. 0.17.5 16. 0.00.5 17. 0.21.0 18. 0.40.5	459/2 459/3B 459/4A2 459/6	0.29.5 0.03.0 0.23.5 0.06.5 0.57.5	
			0.79.5	Out of 0.57.5, 0.40.5 acquired		1.96
3	184/08	424/11	P.S.Jacob Ebenezer S/o Ebenezer, No.43, 5th Street, Kannagi Nagar, Korattur, Chennai-80.	459/4A	0.04.0	0.05
4	189/08	425/11	A.Ramadoss, S/o Arumugam, 17, Meenambal Sivaraj Nagar, Chetpet, Chennai-31.	459/2 459/4A2	0.02.0	0.05
5	215/08	426/11	T.Nesamani S/o Thangaiah Plot No.118, Flat No.C, Lakshmi Nagar Extn., I Main Road, Porur, Chennai-116	459/1A2	0.02.0	0.05

A.S.Nos. 564 and 565 of 2011

Name of the Village	:	MORAI village
Award No. and Date	:	16 of 2006 dated 20.09.2006
Date of 4 (1) Notification	:	30.10.2003
Main Case LAOP No.	:	172 / 2008

Sl. No	LAOP No	A.S.No	Claimant Name	Lands Acquired – Extent		
				Survey No.	Hec	Cent
1	172/08	564/11	G.Sathynarayanan S/o Gopal Iyer 2/89, Karumari amman Koil Street, Kamaraj Nagar, Avadi, Chennai-71.	94/1 94/3A 96/2 96/6 96/7 94/14B2 98/1 98/3A 98/3B 98/7A 101/11	0.14.0 0.06.0 0.07.0 0.03.0 0.01.5 0.08.0 0.05.5 0.06.0 0.06.0 0.08.5 0.06.0 0.71.5	1.77
2	251/08	565/11	S.Kalavathi W/o Sundararajan C-42, Plaza Manere 1, Karumari-amman Koil Street Alagiri Nagar, Vadapalani, Chennai-26	101/14B	0.05.5	0.14

5. Pursuant to the three notifications issued under Section 4(1) of the

Act, the Awards were passed and before passing the award, it is seen that the Land Acquisition Officer had taken note of several sale transactions that took place 3 years preceding the date of the notifications issued under Section 4(1) of Land Acquisition Act 1894 (hereinafter referred to as 'Act').

6. It is seen from the Awards that the Land Acquisition Officer before passing the Award No.18 of 2006, dated 7.11.2006, referred to 456 sale deeds for the period from 14.11.2000 to 13.11.2003. Similarly, in Award No.19 of 2006 dated 30.11.2016, 467 sale deeds were referred to and those sale deeds were 3 years prior to the notification under Section 4(1) of the Act. Similarly, in Award No.16 of 2006, dated 20.09.2006, 445 sale transactions were referred to, which are also just three years prior to the Notification issued under Section 4(1) of the Act, dated 30.10.2003.

7. Insofar as the lands acquired by the Award No.18 of 2006, the Land Acquisition Officer relied upon the sale deed dated 24.07.2002, wherein, the extent of 15 Cents of land has been sold for Rs.7,500/-. Thus, the Land Acquisition Officer fixed Rs.500/- per Cent or Rs.1,235/- per Are of the land. However, it is seen form the sale statistics that the lands have been sold between Rs.500/- per Cent and Rs.13,516/- per Cent. Similar details are also

found in Award No.16 of 2006 and Award No.19 of 2006. Even though the lands were classified as dry, wet or manavari lands, it is seen that the lands were sold in small pieces indicating that several parcels of lands were sold as house sites. From the sale statistics and the market value fixed by the Land Acquisition Officer, this Court is convinced that the Land Acquisition Officer has chosen sale exemplars, where the lands have been sold at the lowest value. It is pointed out that the Land Acquisition Officer has discarded almost every other documents showing higher value just to reduce the compensation payable for the lands acquired from the owners of the lands.

8. It is not in dispute that at the instance of the land owners, the Land Acquisition Officer referred the matter for fixing just compensation before the Additional District Court-cum-Fast Track Court No.II, Poonamallee in respect of the lands acquired under the said three notifications. The Reference Court clubbed all the LAOPs and passed a common judgment dated 23.03.2011 for the lands acquired in respect of the Award Nos.16 of 2006 and 18 of 2006. In respect of the lands acquired by Award No.19 of 2006, the Reference Court disposed of all the connected LAOPs by a judgment dated 28.02.2011. In all

the cases, the Reference Court has enhanced the compensation from Rs.500/- per Cent to Rs.16,500/- per Cent. Aggrieved by the same, the above appeals have been preferred by the Land Acquisition Officer.

9. The learned Special Government Pleader appearing for the appellant/the Special Tahsildar (LA) submitted that the judgment and decree of the Reference Court are vitiated for the simple reason that the Reference Court failed to deduct reasonable amount towards development charges and fixed compensation on the basis of the sale exemplars in respect of the small extent of lands.

10. The learned Special Government Pleader then submitted that irrespective of the different classifications of the lands on the basis of the soil, tharam, location or its value, they were clubbed together by the Reference Court and enhanced compensation. In other words, the learned Special Government Pleader submitted that though most of the acquired lands are manavari and punjai lands and the value of such lands are too low compared to the value of the land dealt with under sale exemplars produced by claimants, the same were relied upon by the Reference Court.

11. The learned Special Government Pleader further submitted that the Division Bench of this Court in the case of the ***Special Tahsildar, Outer Ring Road Project, Chennai Metropolitan Development Authority vs. Dr.Fathima Jalal***, [AS.No.1 and 2 of 2004], by a judgment dated 19.03.2018 has allowed the deduction of 50% towards development charges and fixed compensation at Rs.9,000/- per Cent in respect of the lands acquired for the same purpose in Pammadukulam Village in Ambattur Taluk, Tiruvallur District. The learned Additional Government Pleader then relied upon a few judgments of the Hon'ble Supreme Court for the proposition that the deduction towards development charges are necessary for fixing value on the basis of the sale deeds in respect of the small extent of lands.

12. The learned Special Government Pleader then submitted that the compensation ought to have been fixed depending on the individual cases and factors, which may be distinct and different, and that, fixing compensation uniformly at Rs.16,500/- is not proper.

13. As against the submissions of the learned Special Government

Pleader, the learned counsel appearing for the first respondent/land owners, relied upon the judgment of this Court in the case of ***Special Tahsildar vs. Palin Reshma Jacob [As.No.574 etc. batch of cases]*** and pointed out that the quantum of compensation fixed by the Reference Court in the present case has been confirmed by the Division Bench of this Court, in one of the appeals arising out of the same acquisition proceedings.

14. The Division Bench of this Court in the case of ***Special Tahsildar vs. Palin Reshma Jacob***, by a common judgment dated 31.08.2015 confirmed the market value at Rs.16,500/- per Cent in Morai Village in respect of the lands acquired under Section 4(1) Notification dated 06.11.2003. The relevant portion of the judgment reads as follows:

> *"12. Coming to the manner in which the Land Acquisition Officer arrived at the quantum of compensation, it is seen that he took into account the sale deed which reflected lesser value. But it is needless to point out in Mehrawal Kheaji Trust v. State of Punjab [2012 -4- L.W. 109], the Supreme Court has categorically held that the highest value among the exemplar sales have to be taken into account. Therefore, the Tribunal was correct in rejecting the reasonings of the Referring Officer.*
>
> *13. Coming to the quantum of compensation fixed by the Tribunal, it is seen that the Notification under Section 4(1) was*

dated 6.11.2003. Ex.C2 on the basis of which the Tribunal proceeded, was dated 23.5.2003. Therefore, this sale transaction was the closest to the date of notification. Moreover, there was yet another sale at serial number 398, whereby a land had been sold for Rs.16,568/- per cent. Therefore, the Tribunal was correct in taking into account Ex.C2 as the test, as the value reflected therein also stood corroborated by the other sale deeds that form part of the data sales.

14. In Ex.C1 sketch filed before the Tribunal, it was indicated that the village Morai was located on the north-western side. The Village is indicated by serial number 43. In respect of the land acquired for the very same purpose from four other villages, the dispute has been settled between the Government and the land owners before the Lok Adalats. Details of such settlements are as follows:-

(i) In respect of the lands acquired from a village by name Muktha Pudupattu which is shown at serial No.55, in the sketch, parties have compromised the matter before the Lok Adalat on 21.6.2014 in Lok Adalat Case No.183 of 2015 for an amount of Rs.20,000/- per cent;

(ii) In respect of the lands in another village by name Mittanamallee shown at serial No.56, compensation was fixed at Rs.15,000/- per cent, before the Lok Adalat on 9.6.2012.

(iii) In respect of the lands in another village by name Attanthangal, shown at serial No.2, the parties agreed to have the compensation fixed at Rs.12,000/- per cent.

(iv) In respect of the lands acquired in a village by name Pammadukulam at serial number 39 in Ex.C1 sketch, this Court has confirmed the amount of compensation payable at Rs.18,000/- and Rs.19,000/- per cent.

15. Therefore, we are of the considered view that the awards passed by the Tribunal do not call for any interference. This leaves us with the last question as to whether there should have been any deduction towards developmental charges. But on this question where the Supreme Court has pointed out in Nelson Fernandes v. Special Land Acquisition Officer [(2007) 9 SCC 447], that when the land is acquired for certain purposes, the question of deduction will not arise. It must be pointed out that though the lands acquired were located in Ambattur Taluk of Thiruvallur District, the Taluk itself is a periphery of Madras City and it forms part of the expanded Chennai Metropolitan area. It is admitted in evidence that the lands in the villages in Ambattur Taluk had already developed into huge residential colonies as well as industrial sites. Almost all the villages in Ambattur Taluk now form part of the Chennai Metropolitan Area. Therefore, the compensation of Rs.16,500/- per cent in a village forming part of the expanded Chennai Metropolitan City, cannot really find fault with. Hence, all the appeals are dismissed. There will be no order as to costs. The learned Additional Government Pleader (Appeal Suits) is entitled to separate fees."

15. In the present case, the Reference Court has considered the market value on the basis of the sale exemplar showing higher value and it is not in dispute that the lands acquired come within the limits of CMDA and the lands are located in the developed area. Therefore, adopting reasonable appreciation for the commercial and other developments that had taken place in and around the acquired lands, the Reference Court, has enhanced the compensation from Rs.500/- per Cent to Rs.16,500/- per Cent.

16. The acquired lands are surrounded by several lay outs developed by private promoters and it has several other facilities of a Town like Educational Institutions, Hospitals and Temples. Factories like HVF and Air Force Station are located in the nearby vicinity. Therefore, the Reference Court has relied upon the sale deed under which the property was sold at the rate of Rs.16,500/- per Cent well before the Notifications issued under Section 4 (1) of the Act.

17. It is to be noted that the evidence of the Land Acquisition Officer

during cross-examination was also considered by the Reference Court while fixing compensation. In his evidence it was stated that the entire lands acquired have been surrounded by several residential colonies and they are having facilities of a developed town. It is admitted that the acquired lands are developed lands and it needs no requirement of levelling or filling the ground. Though it is submitted that the lands are not situated in the main road and located far away from the main road, this Court is unable to sustain such arguments without any document to prove the same.

18. A plan with different shades to identify the acquired lands was produced before this Court, even though it was not marked before the Lower Court. Except differentiating the lands covered by sale exemplars relied upon by parties and acquired lands, no data is found regarding the existence of roads and other facilities. Hence, this Court is unable to find any clue from the topo sketch produced before this Court at this stage.

19. The learned counsel appearing for the first respondent/claimants submitted that the Land Acquisition Officer has settled several cases before the Lok Adalat by fixing compensation by taking the market value of lands

acquired for same purpose at Rs.16,500/- per Cent and paid compensation. In this regard, a letter dated 23.11.2020 sent by the appellant, addressed to the Government Pleader giving certain instructions for settling LAOPs before the Lok Adalat is produced. In the letter, it has been stated that as ordered by the Principal Secretary of CMDA, the land value at the rate of Rs.16,500/- can be offered for settlement in Lok Adalat for a batch of LAOPs in respect of lands acquired for the same purpose in Morai Village. However, the learned Special Government Pleader appearing for the appellant before this Court seeks some deduction towards development charges despite allowing several matters being settled by paying compensation by adopting market value at Rs.16,500/- per Cent.

20. This Court considered similar arguments for deduction of 20% towards development charges in AS.No.548 to 559 of 2011 arising out of similar award in respect of the lands acquired for the same purpose and this Court dismissed the said appeals and held as follows:

> *"8. It is to be noted that the only submission of the learned Special Government Pleader for the reduction of compensation is that the reference Court in the batch of cases which are the subject matter of these appeals have not taken into*

account the nature and character of the property covered by the sale exemplar and has failed to deduct at least 10% to 20% of value towards development charges. Learned counsel appearing for the first respondent however relied upon several judgments of Hon-ble Supreme Court and submitted that while the acquired lands are in the midst of already developed lands with amenities of roads and other facilities, no deduction is warranted when the value has to be fixed on the basis of a comparable land.

9. Though this Court on the basis of the judgments relied upon by the learned Special Government Pleader agrees that a small deduction is required having regard to the nature of property conveyed in the sale exemplar, the sale deed that is marked as sale exemplar in the present case before the reference Court is dated 23.05.2003. This document is a sale deed in respect of an extent of 1,500 Sq.ft in a layout. The property description with reference to boundaries clearly indicate that it is a house site in a layout. Therefore, this Court agrees that a reduction is required at least considering the extent of land, reserved for road. However, the fact that the sale exemplar is six months prior to the notification issued under Section 4(1) of the Land Acquisition Act, and 10 to 12% increase in price per year towards escalation of price has to be taken. From the evidence it is seen that the acquired lands are part of well developed township and that the lands are surrounded by layouts. The land acquisition proceeding was initiated in the *year 2003. The land acquisition officer passed award in the year 2006 fixing just Rs.500/- per cent. After nearly 15 years, the appellant is now only on the reasonable deduction. In view of the considerable delay in paying just compensation, this Court is not inclined to interfere. This Court having seen that the Land Acquisition Officer namely the appellant has also agreed for settlement of several other cases through Lok Adalat by adopting Rs.16,500/- per Cent as market value for the acquired lands, is not inclined to interfere with the judgment and decree of the reference Court in these batch of cases. Accordingly, this Court confirms the judgment and decree of the Additional District Court, (FTC~II) Poonamallee in L.A.O.P. Nos.363, 364, 368, 369, 376, 437, 439, 440, 442, 453, 455 & 469 of 2008 by approving and fixing the market value at the rate of Rs.16,500/- per Cent."*

21. We have already decided in several similar cases accepting the law laid down by the Hon'ble Supreme Court that the sale exemplars reflecting highest value should be taken for fixing the market value unless there are compelling reasons. In this case, no relevant circumstances not to accept the sale deeds showing higher value is pointed out.

22. The Notifications under Section 4(1) of the Act in the present cases were issued between October and December 2003 and the Award was passed in November 2006, fixing the compensation at the rate of Rs.500/- per Cent or Rs.50,000/- per acre. After collecting particulars of more than 400 and odd sale deeds, the Land Acquisition Officer discarded 99% of the documents without assigning any proper reason. Therefore, it is clear that consciously the appellant has fixed the lowest amount as market value despite hundreds of sale statistics indicating value between Rs.3,000/- per cent to Rs.10,000/- per Cent. Therefore, the contention that compensation should be fixed on the basis of the sale statistics relied upon by the Land Acquisition Officer cannot be accepted. If the request for deduction of 20% towards development is allowed, it may reduce the compensation by 20% and the land owners, who were given less than 4% of the market value as on the date of 4(1) Notification, be put to great hardships. Acquisition is for Outer Ring Road and hence every parcel of land is going to be utilised. As a result, this Court is unable to appreciate the contention that there should be a deduction of at least 20% of development charges. Further, more than 19 years have gone and the money that was made available to the land owners after passing of the award is nothing but illusory and hence, it is not proper to interfere with the award.

23. In the light of the above discussion, this Court is not inclined to interfere with the judgment and decree of the Reference Court impugned in these appeals and in fine, the appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.J.,) (N.M.J.,)
02.12.2022

Speaking Order : Yes / No
Index : Yes / No
pvs

To
1. The Additional District Court (FTC-II), Poonamallee
2. The Section Officer,
V.R.Section, High Court, Madras

S.S.SUNDAR, J.
and
N.MALA, J.

pvs

AS. Nos.564 of 2011, 108 to 131 of 2012
565 and 422 to 426 of 2011

02.12.2022