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A.S.Nos.868 and 952 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N. MALA

A.S.Nos.868 & 952 of 2010

and

M.P.Nos.1 & 1 of 2010

The Land Acquisition Officer/
Special Tahsildar (LA) Unit-2,
Bharathiar University,
Coimbatore.

... Appellant
in A.S.No.868 of 2010

The Land Acquisition Officer/
Special Tahsildar (LA) Unit-3,
Bharathiar University,
Coimbatore.

... Appellant
in A.S.No.952 of 2010

Vs.

1.Kandasamy Goudar
2.Marudha Goudar
3.Nanjappa Goudar
4.Marudhappa Goudar
Marudhappa Goudar (deceased)
5.K.Palanisamy



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- 6.Karuppusamy
- 7.Palanisamy
- 8.Chinnasamy
- 9.Periya Muniammal
- 10.Chinna Muniammal
- 11.Jeya
Subbammal (deceased)
- 12.Marudhappa Goudar
Sivasamy (deceased)
- K.M.Rangasamy Goundar (deceased)
- K.R.Kuppusamy Goundar (deceased)
- 13.Marudhakkal
- 14.Annapoorani
- 15.Sarojini
- 16.Rangasamy
Palanisamy (deceased)
- 17.Ramasamy Goudar
Nanjunda Goudar (deceased)
- 18.Rajammal
- 19.Ponnusamy
- 20.Chinnasamy
- 21.Marudhappa Goudar
- 22.Sivaraj (minor)
Guardian through
S/o.Krishnasamy
- 23.Amsa
- 24.Periya Marudhakkal
P.R.Kandasamy (deceased)
Royappa Goudar (deceased)
Ayyasamy (deceased)
Rangammanl (deceased)
- 25.Sankarammal
- 26.Rani
- 27.Ramasamy Chettiar
- 28.Karuppanna Mudaliar



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29. Baladevaraj Arora
30. Marude Goundar
31. Nanjappa Gounder
32. Ramasamy Chettiar
33. Rayappan Goudar
34. Nanjammal
35. Subbammal
36. Periya Thampan @ Natarajan
37. Chinna Thampan
38. Chinnamani
39. Rajendran
40. Kandasamy Goudar
41. Nanjammal
42. Marudhappa Gounder
43. Kare Goudar
44. Marudhakkal
45. Rajammal
46. Nanjammal
47. Solavammal
48. Nanjammal
49. Subbulakshmi
50. K.M. Karuppusamy
51. K.M. Palanisamy
52. K.M. Chinnsamy
53. Muthusamy
54. Ramanathan
55. Padmavathi
56. Nanjammal
57. Saraswathi
58. A. Rameshkumar
59. A. Rajeswari (minor)
Guardian & mother through
S/o. B.K. Ayyasamy
60. Rukkammal
61. Rangarajan



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- 62.R.Santhamani
- 63.Rajamani
- 64.Pasuvammal
- 65.S.Balakumar
- 66.S.Geetha
- 67.K.S.Yesotha
- D.D.Saroja (deceased)
- 68.Thenmozhi
- 69.Malathi
- 70.Sumathi
- 71.Rathi
- 72.Bharathi
- 73.Udayakumar
- 74.Marudhammal
- 75.Subbammal
- 76.Palaniammal
- 77.Kokilavani
- 78.Manoharan
- 79.Poongodi
- 80.Makeshkumar
- 81.Paranthaman
- 82.Subbulakshmi
- 83.Thulasiammal
- 84.R.Shanmugasundaram
- 85.Subramaniam
- 86.Murugesan
- 87.R.Sathiyamoorthy
- 88.S.Indrani @ Rani
- 89.The Registrar,
Bharathiar University,
Coimbatore.

... Respondents
in A.S.No.868 of 2010



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- 1.C.Dhandayudhuapani
- 2.M/s.Ambika & Co.
298, Grass Cut Road,
Coimbatore.
- 3.Vetae Gounder
- 4.Muthae Gounder
- 5.M/s.Gourah Equipments Pvt. Ltd.
12/216, N.S.R.Ayyangar Road,
Saibaba Colony,
Coimbatore.
- 6.Sarojini
- 7.Lakshmi
C.Lakshmana Mudaliar (deceased)
- 8.Muthusamy Mudaliar
Palaniammal (deceased)
Pachiammal (deceased)
- 9.Visalakshi
- 10.Ramaathal
Vadivelu (deceased)
Kannappan (deceased)
- 11.Angammal
- 12.Kamalathal
Deivanaiammal (deceased)
- 13.Palaniappa Chettiyar
- 14.Somasundaram
- 15.Subbathal
- 16.Palanisamy
- 17.Rangammal
- 18.Manjulatha Sharma
Ravala Gounder (deceased)
Sadaiyappa Gounder (deceased)
- 19.Muthusamy
- 20.Savithri
- 21.Seetharamagupta
- 22.Lakshmi



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- 23.K.Suseela
- 24.K.Subramaniam
- 25.Devika
- 26.K.Vasanthamani
- 27.Minor Karthikeyan
Guardian and mother Lakshmi
- 28.Marudhakkal
- 29.Kulandaivel
- 30.Tamilarasi
- 31.V.Arumugam
- 32.Kalaivani
- 33.Maragadham
- 34.Kuppammal
- 35.Santhamani
- 36.Jayanthi
- 37.Velusamy
- 38.Ponnammal
- 39.Ayyasamy
- 40.Kamala
- 41.Veerabathiran
- 42.The Registrar,
Bharathiyar University,
Coimbatore – 46.

... Respondents
in A.S.No.952 of 2010

Common Prayer : Appeal Suits in A.S.Nos.868 and 952 of 2010 filed under 54 of the Land Acquisition Act against the order and decree dated 29.10.2007 in L.A.O.P.Nos.105 and 107 of 1986, respectively, on the file of the I Additional Sub-Court, Coimbatore.



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For Appellant

: Mr.T.Chandrasekaran
Special Government Pleader
in both appeals

For R5, R9 to R16, R18,
R21 to R23, R33, R35,
R36, R45, R47 to R50,
R52, R83 to R88

: Mr.R.Bharath Kumar
in A.S.No.868 of 2010

For R14, R15, R25, R26,
R53 to R58, R60 to R79,
R81 & R82

: Mr.V.Anandhamoorthy
in A.S.No.868 of 2010

For R89

: Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar
in A.S.No.868 of 2010

For R1, R2, R6, R7, R9
R11 to R14, R16, R17, R19,
R22 to R28, R30 to R37,
R39 and R41

: Mr.V.Anandhamoorthy
in A.S.No.952 of 2010

For R42

: Mr.C.Vigneswaran,
Standing Counsel
assisted by
Mr.P.Vasantha Kumar
in A.S.No.952 of 2010



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A.S.Nos.868 and 952 of 2010

COMMON JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)

The above appeals are by the Land Acquisition Officer aggrieved by the order and decree of the Reference Court enhancing the compensation to Rs.3,300/- per cent for the lands acquired by the Government for Bharathiyar University in Vadavalli Village, in Coimbatore North Taluk.

2.Vast extent of lands were acquired for Bharathiyar University by the Government in 1980s in Vadavalli and Somaiyampalayam Villages in Coimbatore District. In Vadavalli Village an extent of 701.11 acres were acquired for the said purpose. For convenience, the lands were acquired by splitting in 18 blocks.

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3.In respect of an extent of 71.54 Acres in Vadavalli Village, a notification was issued for acquisition under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act” for brevity) vide



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G.O.Ms.No.2361, Education (H) Department, dated 19.12.1979. It is admitted that the said notification was published in Tamil Nadu Government Gazette on 09.01.1980. The Land Acquisition Officer initiated proceedings for passing Award and by proceedings in Award No.2 of 1984, dated 25.02.1984, in respect of 71.54 Acres, the Land Acquisition Officer fixed the compensation at Rs.5,000/- per Acre, i.e., Rs.50/- per cent.

A.S.No.952 of 2010 :

4. Similarly, in respect of an extent of 25.10 Acres in Vadavalli Village, a notification was issued for acquisition under Section 4(1) of the Act vide G.O.Ms.No.840, Education, Science and Technology Department, dated 04.05.1982. It is admitted that the said notification was published in the Tamil Nadu Government Gazette on 02.06.1982. The Land Acquisition Officer initiated proceedings for passing Award and by proceedings in Award No.3 of 1984, dated 04.05.1984, in respect of 25.10 Acres, the Land Acquisition Officer fixed the compensation at Rs.8,547/- per Acre, i.e., Rs.85.47 per cent.



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5. Aggrieved by the quantum of compensation awarded, the land owners/claimants preferred petitions before the Land Acquisition Officer for reference before the Civil Court to get just compensation. Accordingly, the Land Acquisition Officer referred the cases under Section 18 of the Act. The Reference Court, in L.A.O.P.Nos.105 of 1986 (against Award No.2 of 1984) and 107 of 1986 (against Award No.3 of 1984), though passed independent orders in each case, relied upon same documents and ultimately, enhanced the compensation to Rs.3,300/- per cent for the acquired lands, in respect the lands covered under different Notifications under Section 4[1] in respect of the lands acquired in Vadavalli village. A.S.No.868 of 2010 is preferred against the judgment and decree in LAOP.No.105 of 1986 and A.S.No.952 of 2010 is preferred against the judgment and decree in LAOP.No.107 of 1986.

6. Challenging the enhancement of compensation, the above appeals are filed by the Land Acquisition Officer.



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7.The claimants have filed four documents Exs.C1 to C4. The document Ex.C1 is dated 11.07.1977, which is a sale deed in respect of a house site in the same village. The document Ex.C2 is dated 09.09.1982. From that, it is seen that 8 cents of land have been sold for a sum of Rs.24,000/- indicating that the market value was Rs.3,000/- per cent. The document Ex.C3 is another sale deed, dated 29.02.1984, which is in respect of an extent of 4 cents and the sale deed is in respect of property in Somaiyampalayam Village. It is seen that the document Ex.C4 is long after the acquisition and it is dated 24.03.2006. An extent of 1 Ground has been sold for a sum of Rs.4,75,000/- in 2006.

8.From the documents Exs.C2 to C4, it is seen that the villages Somaiyampalayam and Vadavalli are developed and have become a part of Coimbatore Corporation long back. The Land Acquisition Officer appears to have collected 362 sale deeds between 09.01.1977 to 09.01.1980, while fixing the compensation for the acquired lands. Out of 362 sale deeds, most of the documents were discarded either on the ground that the lands are agricultural lands or on the ground that the sale deeds are in respect of very



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small extent of land. From the Award, details of all the sale exemplars or sales statistics collected for two years prior to the notification under Section 4(1) of the Act, is not seen. However, the fact that the Land Acquisition Officer has chosen to rely upon the sale deed which shows the lowest market value, can be seen. It is seen that several sale deeds were in respect of plots or house sites and it is seen that several real estate promoters have invested money for development of lands as house sites. This aspect of the case is gathered from the reading of Award, and the position in 1982 gives an indication that the lands are more suitable for residential purposes having regard to the development in and around the villages. It is not in dispute that the acquired lands are situated on either side of the main road from Coimbatore to Marudhamalai and they are now part of Coimbatore Corporation.

9.The potentiality of the lands, as spoken to by the claimants, is admitted by the Land Acquisition Officer himself during cross-examination. The Reference Court, relying upon the sale deed Ex.C2 dated 09.09.1982 and the document Ex.C3 dated 29.02.1984, fixed the compensation at



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Rs.3,300/- per cent. The documents Exs.C2 and C3 are after issuance of notification under Section 4(1) of the Act. The document Ex.C4 dated 24.03.2006 was relied upon only to show that there was a steep rise in price of land over a period of 20 years after acquisition. This Court and the Hon'ble Supreme Court have held that, such post-notification sale may also be relevant, if it is established that the value of the land remained constant during the relevant point of time. In the absence of Ex.C1, the reference to post-notification sales can be resorted to. Though document Ex.R4 dated 29.05.1980 is filed, this Court is unable to accept the same in view of the position that the said document does not reflect the market value and it is not desirable to rely upon the said document to deny just compensation to the land owners. Having regard to the potentiality and commercial importance of the acquired lands, the documents Exs.C2 and C3 can be relied upon for the purpose of fixing the compensation. The compensation in respect of the lands acquired, which are subject matter in these appeals, cannot be less than Rs.3,000/- to Rs.10,000/- per cent. Ex.C3 is around 3 ½ years after the acquisition and the market value is more than Rs.11,000/- per cent in Somaiyampalayam, which is an adjacent village.



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10.The Reference Court has fixed the compensation on the basis of several documents that were produced by the claimants. The Reference Court, after considering the documents which are from 1977 to 1984, has fixed the compensation at Rs.3,300/- per cent. Though the Reference Court has relied upon both pre and post-notification sales, this Court is of the view that compensation at Rs.3,300/- per cent fixed by the Reference Court can be approved, in view of the serious prejudice that is caused to the land owners in the present case.

11.The lands were acquired in 1980s and the Awards were passed in 1984. Though the value of the land per cent was around Rs.3,000/- even at the time of notification, the compensation fixed by the Land Acquisition Officer in 1984 and the amount that was made available to the land owners was only Rs.50/- per cent as per Award No.2 of 1984. Even after adding the statutory components like solatium and additional interest, the compensation that had reached the hands of the claimants in 1984 was around 3% of the value determined by Reference Court. With the rise in



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price, the land value has gone up atleast by 21 times within a span of 20 years, as seen from Ex.C4. From the compensation that may be paid to the land owners on the basis of the order passed by the Reference Court, the land owners may not be in a position to acquire 1/50th of the land, they have lost in acquisition. Therefore, this Court is of the view that great injustice has been done to the land owners, because of the very low amount that was paid by the Land Acquisition Officer and due to the delay in disposal of these appeals. Though the claimants are entitled to additional interest as contemplated under Section 23(1A) of the Act, and interest on the differential amount @ 9% p.a. for the first year from the date of taking possession and @ 15% p.a. thereafter, and also to other statutory benefits in the present case, the same may not mitigate the loss suffered by the claimants, for the reasons indicated above particularly on account of the delay of nearly 40 years.

12.For all the above reasons, this Court is not inclined to interfere with the orders of the Reference Court. Accordingly, these appeals are dismissed



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and the order and decree of the Reference Court stand confirmed. No costs.

Consequently, connected miscellaneous petitions are closed.

13.After pronouncing the judgment, counsel representing Mr.N.Manokaran, submitted that they have filed change of vakalat for the Bharathiyar University and they are no more the Standing Counsel for the Bharathiyar University. However, Mr.C.Vigneswaran, learned counsel, assisted by Mr.P.Vasanth Kumar, is now appearing before this Court for the Bharathiyar University. Therefore, the name of M/s.N.Manokaran shall be deleted from the cause list and the name of Mr.C.Vigneswaran shall be printed for the Bharathiyar University.

(S.S.S.R., J.) (N.M., J.)
07.11.2022
(2/2)

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Internet : Yes

Index : Yes / No



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- 1.The I Additional Sub-Judge,
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- 2.The Land Acquisition Officer/
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Coimbatore.
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Special Tahsildar (LA) Unit-3,
Bharathiar University,
Coimbatore.
- 4.The Registrar,
Bharathiar University,
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- 5.The Section Officer,
VR Section, High Court,
Chennai.



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and
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