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S.A.No.1252 of 2006 and
C.R.P.(NPD) No.1780 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

S.A.No.1252 of 2006 & C.R.P.(NPD) No.1780 of 2006

and

M.P.Nos.1 & 1 of 2006

1.The Government of Tamil Nadu represented by its
District Collector, Dharmapuri.

2.The Land Acquisition Officer-cum-
Special Tahsildar,

(Adi Dravidar Welfare) Harur.

... Appellants

in S.A.No.1252 of 2006

1.The Government of Tamil Nadu represented by its
District Collector, Dharmapuri.

2.The Land Acquisition Officer-cum-
Special Tahsildar,

(Adi Dravidar Welfare) Harur.

... Petitioners

in C.R.P.(NPD) No.1780 of 2006

Vs.



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C.R.P.(NPD) No.1780 of 2006

- 1.Visalakshi
- 2.Ramaraj
- 3.Sugumar
- 4.Mohankumar
- 5.Nirmala
- 6.Vijayalakshmi

... Respondents
in S.A.No.1252 of 2006

- 1.Mannan
- 2.Lakshmi
- 3.Ethiraj
- 4.Padmaraj
- 5.Meenavathi
- 6.Padma
- 7.Santhanam

... Respondents
in C.R.P.(NPD) No.1780 of 2006

Prayer in S.A.No.1252 of 2006 : Second Appeal filed under Section 13 of Tamil Nadu Acquisition of Land for ADW Schemes Act 31/78 r/w. Section 100 of CPC against the judgment and decree dated 22.03.2006 in C.M.A.No.15 of 2000 on the file of the Additional District Court, Dharmapuri, modifying the Award made in Award No.7/96-97 dated 06.12.1996 passed by the Land Acquisition Officer-cum-Special Tahsildar (Adi Dravidar Welfare), Harur.

Prayer in C.R.P.(NPD) No.1780 of 2006 : Civil Revision Petition filed under Section 115 of CPC against the judgment and decree dated 22.03.2006 in C.M.A.No.14 of 2000 on the file of the Additional District



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Court, Dharmapuri, modifying the Award made in Award No.7/96-97 dated 06.12.1996 passed by the Land Acquisition Officer-cum-Special Tahsildar (Adi Dravidar Welfare), Harur.

For Appellants/ : Mr.Edwin Prabakar
Petitioners Special Government Pleader (CS)
assisted by Mr.R.Siddharth
Government Advocate
in both cases

For Respondents : Mr.Arun Anbumani
in both cases

COMMON JUDGMENT

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

The above Second Appeal and the Civil Revision Petition are filed against the judgment and decree passed by the learned Additional District Judge, Dharmapuri, in the appeals in C.M.A.Nos.15 and 14 of 2000, respectively, as against the Award passed by the Land Acquisition Officer in relation to the lands acquired from the claimants/respondents in the respective proceedings under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Act 31 of 1978).



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2.The properties in S.Nos.123/2B and 123/3B in Harur Village, Harur Taluk, Dharmapuri District, measuring an extent of 0.40.0 Hectare and 2.28.0 Hectares, respectively, were acquired from the holdings of the respondents in S.A.No.1252 of 2006 and an extent of 0.48.0 Hectare in S.No.123/6 was acquired from the holdings of the respondents in C.R.P.(NPD) No.1780 of 2006, for the purpose of providing free houses to Adi-Dravidars under the provisions of Act 31 of 1978. The Land Acquisition Officer, namely, the Special Tahsildar (Adi-Dravidar Welfare), by proceedings dated 06.12.1996 passed an Award fixing the compensation at Rs.83,444/- per Hectare equivalent to Rs.33,783/- per Acre. It is pertinent to mention that, though the lands were acquired for the purpose of house sites and the sale statistics relied upon by the Land Acquisition Officer also indicate that several sale deeds are found in respect of house sites surrounding the acquired lands, the Land Acquisition Officer has chosen to fix the value on the basis of a document of sale dated 25.09.1995, in respect of a total extent of 1.48 Acres in S.No.209/2 and S.No.211/5A.



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3. Aggrieved by the Award passed by the Land Acquisition Officer, the claimants preferred appeals. The respondents in S.A.No.1252 of 2006 filed an appeal in C.M.A.No.15 of 2000 and the respondents in C.R.P.(NPD) No.1780 of 2006 preferred an appeal in C.M.A.No.14 of 2000. Both Appeals were disposed of by a common judgment.

4. The Appellate Court relied upon several documents filed by the claimants. However, on the basis of a sale deed dated 05.12.1995 in respect of the land in S.No.112/3, the Appellate Court fixed the market value at Rs.22/- per sq.ft. Though the Appellate Court found that there may be some deductions towards development of land, did not deduct any amount, as several sale deeds were produced by the claimants showing higher market value.

5. Aggrieved by the amount fixed by the Appellate Court, the Land Acquisition Officer has filed the Second Appeal as well the Civil Revision Petition. Since the quantum that was awarded in favour of the respondents



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in C.R.P.(NPD) No.1780 of 2006 is less, a Revision Petition is filed instead of regular appeal.

6.Learned Special Government Pleader appearing for the appellants/petitioners submitted that the Land Acquisition Officer fixed compensation based on sale statistics collected by him in the surrounding area and that the Appellate Court did not consider several documents that were marked on behalf of the Land Acquisition Officer. The learned counsel submitted further that the Appellate Court has not allowed any deduction towards development charges, even though the sale exemplar relied upon by the Appellate Court is in respect of small extent of land.

7.On the first issue, this Court is unable to accept the argument, as the Appellate Court, though found that the claimants have filed documents to prove that the market value is between Rs.55 per sq.ft. and Rs.89 per sq.ft., chose to rely upon a document dated 05.12.1995 showing the market value at Rs.22/- per sq.ft. The Land Acquisition Officer, though collected sale statistics and referred to several documents, has chosen to follow a



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document reflecting the least value without assigning any proper reason.

The sale statistics found in the Award, as relied upon by the Land Acquisition Officer, indicate that several documents showing higher value for the land were discarded only on the ground that the higher value is shown in the documents. That is not the right attitude of the Land Acquisition Officer while fixing the compensation for the land. In this case, admittedly, the acquisition is for providing houses to Adi-Dravidars. When the acquired land is suitable for house sites and evidence is also adduced to show that the acquired lands are developed lands and more suitable for using the same as house sites, the Land Acquisition Officer erroneously discarded several documents merely because the extent of land conveyed is on sq.ft. basis and that the lands are dealt with as house sites.

8.Before the Appellate Court, the claimants have filed Exs.C1 to C3. The Land Acquisition Officer relied upon the sales statistics available from the records and found that the market value for the neighbouring lands is more than Rs.50/- per sq.ft. Atleast four documents which are referred to in the Award indicate that the market value is more than Rs.80/- per sq.ft.



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Even the Appellate Court has not given sufficient reasons for discarding the documents filed by the claimants while fixing the compensation at Rs.22/- per sq.ft. The acquisition of land was in 1996. The Land Acquisition Officer has fixed a very low compensation compared to the actual market value as on the date of notification under Section 4(1) of the State Act. Though the sale statistics available show higher market value, the Appellate Court has fixed the compensation only at Rs.22/- per sq.ft. In such circumstances, deduction towards development is not necessary. This Court has already held in several cases that the sale exemplar showing the highest value should be preferred unless there are other strong circumstances. The appellant ought to have taken value as per Ex.C1. Therefore, this Court finds no merits in the Second Appeal and the Civil Revision Petition.

9.In fine, the above Second Appeal and the Civil Revision Petition are dismissed and the judgment and decree of the Appellate Court in C.M.A.Nos.14 and 15 of 2000 are confirmed. No costs. Consequently, connected miscellaneous petitions are closed.



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10.At this juncture, learned counsel appearing for the respondents relied upon a judgment of the Hon'ble Supreme Court in the case of **Reddy Veerana v. State of Uttar Pradesh and others** reported in **2022 SCC Online SC 562**, wherein, the Hon'ble Supreme Court, directed payment of penal interest at 3% taking note of the unnecessary delay in disbursement of compensation due to pendency of proceedings. The relevant portion is extracted :

"47.In view of the foregoing, Civil Appeal No. 3636 of 2022, preferred by NOIDA is dismissed, whereas the Civil Appeal No. 3637 of 2022 filed by appellant Reddy Veerana is hereby allowed in part with the following directions:

1.Respondents are directed to compute the amount of compensation by taking the circle rate of Sector-18, i.e., Rs. 1,10,000/- per square meter;

2.The judgment of the High Court directing 50% deduction towards development charge stands set-aside. In the peculiar facts of the present case, the respondents are directed not to make any deduction towards the development charge while computing/calculating the amount of compensation as per



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circle rate, specified in para 1 above;

3.As directed by the High Court, the amount of solatium of 30% in terms of Section 23(2) of 1894 Act is also payable;

4.The statutory interest on the amount of compensation shall be payable @ 9% from the date of taking over of possession, i.e., February, 2005 for a period of one year. Thereafter, @ 15% p.a. be paid as per the proviso of Section 34 of 1894 Act. In addition to the said statutory interest, 3% penal interest is further directed to be paid in the peculiar facts of this case.

5.It is made clear here that the amount so deposited in the year 2017 would also earn the interest at the same rate, as directed in para 4 above till the date of realization.

6.Since, the acquisition of the land in question was made by NOIDA which was purchased by respondent No. 7 in public auction, therefore, the liability to pay the amount of compensation would be of NOIDA. The entire amount shall be paid within a period of six weeks from the date of this judgment."

11.Since it is to be noted that the acquisition in the present case is under the State Act, which provides only lesser interest, this Court directs



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the appellants to disburse the compensation payable as per the quantum fixed by the Appellate Court, within a period of two months from the date of receipt of a copy of this judgment. In case of further delay, the appellants are liable to pay 3% penal interest for the entire period till payment.

(S.S.S.R., J.) (A.A.N., J.)
20.12.2022

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Internet : Yes
Index : Yes / No

To

- 1.The Additional District Judge,
Dharmapuri.
- 2.The District Collector,
Dharmapuri.
- 3.The Land Acquisition Officer-cum-
Special Tahsildar,
(Adi Dravidar Welfare), Harur.
- 4.The Section Officer,
VR Section, High Court,
Chennai.



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