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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

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THE HONOURABLE MRS. JUSTICE R.HEMALATHA

S.A.No.907 of 2010  
and

M.P.No.1 of 2010

The Special Tahsildar,  
Adi Dravida Welfare,  
Thirupattur.

...Appellant/  
Land Acquisition Officer

Vs.

1. S. Rani (died)

2. S. Baskar

3. S. Sudhakar

4. Prabakaran Sambandhan

...Respondents/Claimants

RR2 to 4 brought on record as LR's of the deceased  
sole respondent viz. S. Rani vide court order  
dated 30.11.2021 made in CMP No.19568, 19571 &  
19574 of 2021 in S.A.907 of 2010.

Prayer: Second Appeal filed under Section 13 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act 1978 (Tamil Nadu Act 31 of 1978) against the decree and judgment of the Subordinate Judge, Thirupattur in L.A.A. No.15/1996 dated 08.02.2005.

For Appellant : Dr. S. Suriya  
Additional Government Pleader

For R2 to R4 : Mr. P.S.Kothandaraman

R1 : Died

#### JUDGMENT

The above second appeal is directed against the decree and judgment passed by the Subordinate Judge, Thirupattur, in L.A.A. No.15/1996 dated 08.02.2005.

2. In order to provide house-sites to the homeless families belonging to Adi Dravida community in Thumberi Village, Vaniyampadi Taluk, proposals were made to acquire the lands owned by the respondents in Survey No.246/2B measuring 0.94.5



Hectares and the other land owners. The land acquisition authorities published a notice under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter called "the Act") on 07.12.1995. Details were collected from the office of the Sub Registrar, Vaniyampadi, for the period from 01.10.1994 to 31.11.1995, for fixing compensation. During this period, there were 47 sale transactions, out of which, 46 transactions were rejected by the Special Tahsildar, Land Acquisition under Adi Dravidar Welfare Scheme. He took into account a registered sale deed in which an extent of 2.49 acres of land in Survey No.245/3 of Thumberi village was sold for a consideration of Rs.71,500/-. Based on this document, a sum of Rs.27,250/- was fixed as compensation per acre of the acquired land of the respondent. The Special Tahsildar, thus awarded a compensation of Rs.73,330/- to the respondent after adding a solatium of Rs.9,565/-. Since the respondent felt that the compensation awarded by the authorities concerned was very low, the matter was referred to the Court under Section 18 of the Act.

3. In the Subordinate Court, the respondent examined herself and marked Ex.A1. One witness was examined on the side of the appellant and 3 documents were marked on his side. The learned Subordinate Judge, after analysing the oral / documentary evidence adduced on both sides, held that the acquired land is geographically better located than the data land relied on by the Special Tahsildar. It is further held that the acquired lands are feasible and viable for making housing plots thereby having prospects of fetching better price. The Subordinate Judge also took into consideration the sale deed Ex.C1 marked on the side of the respondent and fixed the value of the land as Rs.6/- per square feet. He deducted 1/3<sup>rd</sup> towards developmental charges and awarded a sum of Rs.61,214/- towards solatium and thus fixed the compensation as Rs.4,69,310/-. Since the respondent had already received a sum of Rs.73,330/-, the learned Subordinate Judge directed the appellant to pay the balance amount of Rs.3,95,980/- together with interest @ 9% per annum from 27.09.1995 to 21.03.1996 and thereafter 12% per annum till the date of realisation.

4. Aggrieved over the same, the present appeal is filed by the Special Tahsildar, Adi Dravida Welfare, on the following substantial questions of law:

- 1) Whether the court below erred in not appreciating the fact that the market value for the land acquired had been fixed taking into consideration date of sale deed under which the Land similar in nature, soil, tharam and classification to the land acquired has been conveyed?
- 2) Whether the court below had erred in placing reliance on Ex.C1 whereunder a small extent of land classified as house



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site was conveyed whereas the land acquired is classified as agricultural land and measuring an extent of 2.34 acres?

3) Whether the court below had erred in not appreciating the provisions of Section 8 of the Act 31/78 which clearly stipulate that nature and classification of land under acquisition as on date of 4(1) notification is the criteria for fixation of market value and not the probable usage of the said land?

4) Whether the court below is correct in awarding interest at 9%, 12%, 15% for different periods when the Act 31/78 prescribed only 6% interest?

5. Dr. S. Suriya, learned Additional Government Pleader, appearing for the appellant would contend that the learned Sub-judge should not have relied on Ex.C1 since through Ex.C1 sale deed a small strip of land measuring 756 sq. ft. was sold by one R.G. Ramakrishnan in favour of Kasthuriammal on 21.10.1995 whereas the land acquired from the respondent is 2.49 acres. She would therefore contend that the learned Subordinate Judge is wrong in awarding compensation to the respondent based on Ex.C1 sale deed. It is also her contention that the learned Subordinate Judge has awarded an exorbitant rate of interest @ 12% per annum.

6. Per contra, Mr. Kothandaraman, learned counsel for the respondent would contend that the Subordinate Judge, after considering the entire aspects of the case, had awarded just compensation to the respondent and no interference is called for by this Court.

7. Though through Ex.C1 sale deed a small strip of land is sold, it is seen from the records that it lies in the same Survey Number of the acquired lands and the evidence of the appellant before the Subordinate Judge was that there had been steady increase in the value of the land. The acquired land is also located in the heart of the town and it is admitted by the appellant that it is feasible and viable for making housing plots and thereby having prospects of fetching better price. The learned Subordinate Judge also had taken into account many decisions of this Court as well as Supreme Court before fixing the compensation for the acquired land as Rs.4,69,310/-. It has also been found that the acquired land is geographically located close to residential units, schools and brick-kiln and is more developed than the data land relied upon by the Special Tahsildar. The learned Subordinate judge has given cogent reasons before enhancing the compensation and has not committed any error in placing reliance on Ex.C1 and the substantial questions of law 1 to 3 are answered against the appellant.

8. As regards the payment of interest, the trial court had awarded interest @ 9% per annum from 27.09.1995 to 21.03.1996 and thereafter 12% per annum till the date of realisation. However, keeping in mind the present rate of interest hovering



around 6% to 6.5% and the manner in which the interest rates have fallen, it would be justified if an uniform interest @ 6% per annum is granted in favour of the respondent. Thus the rate of interest is reduced to 6% per annum from 27.09.1995 till the date of realisation. Thus the substantial question of law No.4 is answered accordingly.

9. In the result,

- i. the second appeal is partly allowed. No costs. Consequently connected miscellaneous petition is closed.
- ii. the decree and judgment dated 08.02.2005 passed in L.A.A. No.15/1996, on the file of the Subordinate Judge, Thirupattur, with regard to enhancement of award amount is upheld. As regards the payment of interest @ 9% per annum from 27.09.1995 to 21.03.1996 and thereafter 12% per annum till the date of realisation awarded by the Subordinate Judge is set aside.
- iii. An uniform rate of 6% interest per annum from 27.09.1995 till the date of realisation is awarded.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bga

To

The Subordinate Judge, Thirupattur.

Copy To

The Section Officer,  
V.R. Section,  
High Court, Madras.

+1cc to Mr.P.S.Kothandaraman, Advocate, S.R.No.19783

+1cc to the Special Government Pleader, S.R.No.20030

S.A.No.907 of 2010

CA(CO)  
RGA(31/05/2022)