



CRP.No.2215 of 2022
etc. cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	23.08.2022
<i>Pronounced on</i>	16.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P. Nos.2215, 2216, 2217, 2218, 2219, 2220, 2222, 2224 2225, 2226,
2227, 2228, 2229, 2231, 2233, 2234, 2235, 2236, 2237, 2238, 2240, 2241,
2242, 2243, 2244, 2245, 2246, 2247, 2248 & 2249 & of 2022
and all connected pending C.M.P's.

The Land Acquisition Officer/
District Collector,
Kancheepuram.

... Petitioner in all the CRPs

Versus

1.V.Vijayalakshmi	... R1 in CRP.2215/2022
2.C.Velu	... R1 in CRP.2216/2022
3.B.Kathavarayan	... R1 in CRP.2217/2022
4.M.Elezabeth Margaret	... R1 in CRP.2218/2022
5.K.Munusamy	... R1 in CRP.2219/2022
6.A.Thomas	... R1 in CRP.2220/2022
7.S.Sivakumar	... R1 in CRP.2222/2022
8.E.Murugadoss	... R1 in CRP.2224/2022
9.S.Jayakumar Anandaraj	... R1 in CRP.2225/2022



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10.A.Paripoorna Mary

... R1 in CRP.2226/2022

11.J.Vimala Jayagar

... R1 in CRP.2227/2022

12.A.Durai

... R1 in CRP.2228/2022

13.P.Ganesa Mudaliar

... R1 in CRP.2229/2022

14.John Dhillip

... R1 in CRP.2231/2022

15.M.Raniammal

... R1 in CRP.2233/2022

16.M.Sivaraj

... R1 in CRP.2234/2022

17.M.Rajarathinam

... R1 in CRP.2235/2022

18.P.Anbazhagan

... R1 in CRP.2236/2022

19.R.Jeyachandrapandian

... R1 in CRP.2237/2022

20.M.Babu

... R1 in CRP.2238/2022

21.N.Sundararaj

... R1 in CRP.2240/2022

22.S.Thangam

... R1 in CRP.2241/2022



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23.H.Prabhu Ram	... R1 in CRP.2242/2022
24.S.Devaraj	... R1 in CRP.2243/2022
25.T.Mani	... R1 in CRP.2244/2022
26.M.Boopathy	... R1 in CRP.2245/2022
27.A.Selvaraj	... R1 in CRP.2246/2022
28.K.Veeraraghavan	... R1 in CRP.2247/2022
29.N.Dharman	... R1 in CRP.2248/2022
30.D.Pachiyappa Mudaliar	... R1 in CRP.2249/2022
31. The Divisional Engineer (Highways), Maintenance & Construction, Chengalpattu	... R2 in all the CRPs

Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the common judgment and decrees made respectively in LAOP Nos.31, 26, 8, 30, 6, 25, 21, 18, 28, 24, 35, 23, 29, 14, 38, 5, 3, 16, 20, 15, 33, 36, 17, 37, 19, 34, 22, 9, 10 and 12 of 2019 etc. cases dated 30.09.2021 on the file of Additional Subordinate Judge, Chengalpattu.

For Petitioner in all the CRPs : Mr.T.Chandrasekaran, SGP



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For Respondent-1 in all the CRPs : Mr.A.R.Nixon

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COMMON ORDER

These Civil Revision Petitions have been preferred against the common judgment and decrees dated 30.09.2021 passed in L.A.O.P. Nos. 31, 26, 8, 30, 6, 25, 21, 18, 28, 24, 35, 23, 29, 14, 38, 5, 3, 16, 20, 15, 33, 36, 17, 37, 19, 34, 22, 9, 10 and 12 of 2019 etc. batch on the file of the Additional Sub Court, Chengalpattu at Kanchipuram District.

2. The revision petitioner is the Referring Officer. The subject land, totally measuring an extent 1,66,496 sq.m or 17,92,148.03 sq.ft in Paiyanur Village, Chengalpattu Taluk and District, has been acquired for the purpose of formation of IT Corridor Expressway i.e to widen the existing Old Mahabalipuram Road into Six Lane.

3. The requisite Notification was issued as per Section 15(2) of the Tamil Nadu Highways Act, 2001 and published in the locality on 04.01.2010. The award was passed by the Land Acquisition Officer concerned by fixing the market value for the property at the rate of Rs.229/- per sq. ft or Rs.2,465/- per sq.m vide award dated 15.09.2011 in Award



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No.12/2011.

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4. The owners of the land protested the award by stating that the market value fixed for the lands acquired by the Government was very less. Considering the request of the claimants, the Land Acquisition Officer referred the matter to the Land Acquisition Tribunal/ Additional Sub-Court, Chengalput at Kanchipuram District (for short, the Tribunal below) under Section 20(1) of the Tamil Nadu Highways Act, 2001. The Tribunal below considered the references and was pleased to enhance the compensation from Rs.2,465/- per sq.m., to Rs.10,000/- per sq.m., vide its impugned common judgment dated 30.09.2021. Aggrieved over that, the Referring Officer has preferred these Civil Revision Petitions.

5. Learned Special Government Pleader appearing for the petitioner submitted that the Land Acquisition Officer has collected the datas of the sale that had occurred between 05.01.2009 and 04.10.2010, picked up the relevant sale deed and fixed the market value at the rate of Rs.229/- per sq.ft., or Rs.2,465/- per sq.m; the reference sale deed was dated 24.04.2009 in respect of the lands situated in Survey No.465/2B; the extent of land involved in the said sale deed is 8.33 cents; the sale consideration of the



said sale transaction was Rs.8,33,000/-; since the above data land was similar to the lands acquired, the Land Acquisition Officer had rightly fixed the market value at the rate of Rs.229/- per sq.ft; the date of data sale is also relevant to the date of acquisition; however, the Tribunal below had considered Ex.C1 sale deed dated 23.03.2009 and enhanced the market value from Rs.2,465/- per sq.m to Rs.10,000/- per sq.m; the subject matter of the sale deed Ex.C1 dated 23.03.2009 would measure an extent of 1,965 sq.ft., and the land is situated in Paiyanur Village; the sale consideration was Rs.12,00,000/-; even if the above sale value is taken up for consideration, the correct market value would come to Rs.611/- per sq.ft or Rs.6,574/- per sq.m; but the Tribunal below had enhanced the market value of the lands acquired to Rs.10,000/- per sq.m without any basis; the Tribunal below, without considering the essential aspects for determining the value of the land, had given undue advantage and further, no deduction has been made under the head “development charges”; and hence, the impugned common judgment and decrees dated 30.9.2021 made in L.A.O.P No.3 of 2019 and other 29 cases may be set aside and an appropriate order be passed.



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6. The common submissions made by the learned counsel appearing for the respective first respondent/claimants are that all the relevant factors were taken into consideration at the time of fixing the value for the lands, which were subjected to acquisition; the lands have been acquired for expansion of the Old Mahabalipuram Road; it means the acquired lands are situated on the edges of road, which is already in existence; hence, there is no need to deduct any development charges; the location advantage of the land is with reference to the Paiyanur village, which has rapid growth; the Tribunal below had considered Ex.C1 to Ex.C4 for enhancing the land value to Rs.10,000/- per sq.m; the lands covered under Ex.C1 dated 23.03.2009 are proximate lands nearby the acquired lands; in fact, the said sale deed was taken as reference sale deed in the earlier award passed by the Tribunal below for a similar purpose; the said order is dated 10.04.2017 made in L.A.O.P.No.1 of 2017 etc. batch; since the subject matter of the acquired lands in this case also had similar purpose and nature, the Tribunal below had relied on the said sale deed; since the Tribunal below had rightly enhanced the compensation, the impugned common judgment does not require any interference.



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6.1 The records would show that the sale deed dated 23.03.2009 was marked as Ex.C1 in L.A.O.P.No.3 of 2019 and that has been taken as the reference sale deed by the Tribunal below; the said sale transaction was between one Venkatesan through his power agent one S.Selvam in favour of one L.Kubaran. The property pertaining to the said sale deed is situated in Paiyanur village in S.No.411; the extent involved is 1,965 sq.ft., and the sale consideration is Rs.12,00,000/-.

6.2 Though the learned Special Government Pleader appearing for the petitioner submitted that even as per Ex.C1 dated 23.03.2009, the land value would come to Rs.611/- per sq.ft only and it would be Rs.6,574/- per sq.m., the Tribunal below had relied on the said sale deed; the said sale deed dated 23.03.2009 was considered as the reference sale deed for an earlier case and the compensation was arrived by fixing the market value Rs.13,500/- per sq.m; the property involved in said sale deed situated at Pooncheri Village and the distance between Pooncheri and Paiyanur is only 1.6 kms; it is not unusual to refer the market value fixed in the earlier case if the land was acquired for similar purpose during the same period; had the Tribunal below completely relied on the earlier judgment, the compensation would have



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been fixed at Rs.13,500/- per sq.m; but the Tribunal below had chosen to make a distinction between the respective location advantages of both the properties and preferred to fix the value at Rs.10,000/- per sq.m; even the witness examined on the side of the Referring Officer before the Tribunal below namely R.W.1 has not denied about the fast growth of the acquired lands; the subject lands are surrounded by educational institutions, cinema shooting spot, IT company and pharmaceutical company and they are potential lands, which can be used for several purposes.

6.3 In support of the submissions made by the learned counsel appearing for the respective first respondent/claimants, the judgment of Hon'ble Supreme Court in the case of ***Ali Mohammed Beigh Vs. State of J & K [Civil Appeal Nos.4295-4297 of 2017 dated 21.03.2017]*** is relied upon wherein the relevant portion reads thus :

"14. When the lands are acquired at the same time and for the same purpose that is for resettlement of Dal dwellers, the lands situated in three different villages namely, Chandapora, Bhagichandpora and Pazwalpora, and since the



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land is similar land, it would be unfair to discriminate between the land owners and other references and the appellants who are the land owners in Reference No.15 and pay less that is Rs.2,50,000/- per Kanal to the appellants and pay more to other land owners that is Rs.4,00,000/- per Kanal. Impugned judgments of the High Court in CIA No. 211/2009 and Cross Appeal No.64/2011 are to be set aside by enhancing the compensation to Rs.4,00,000 per Kanal. As a sequel to this, the order passed in review is also to be set aside."

7. In reply, the learned Special Government Pleader appearing for the petitioner submitted that while determining the market value, deductions should be made for certain developments such as roads, drainages, electricity connections in the vicinity; the Tribunal below had not chosen to deduct any amount towards development charges by relying on the decision of a learned Single Judge of this Court in the case of **Ayisha Gani**



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***(deceased) represented by her legal heirs and others Vs. Union of India
represented by the Secretary to Government (Revenue), Pondicherry and
another [reported in CDJ 2014 MHC 993].***

8. As stated already, the land itself was acquired for formation of IT Corridor Expressway. For expansion of roads, it is quite natural that the lands abutting the road alone will be required. Since the lands of the respective first respondent/claimants are situated at the edge of the roads, there is no necessity to make any deduction towards development charges like for formation of road, etc. The development of the lands located in the vicinity have already been in vogue. The Tribunal below has taken into consideration of the submission of the claimants about the existence of educational institutions, cinema shooting spot, IT companies, pharmaceutical companies, frequency of public movement and easy access to the subject lands.

9. It is to be noted that there was no objection on the side of the Government on these aspects. Hence, the Tribunal below has thought it fit to give an incentive for the above features surrounding the acquired land. The Tribunal below not only relied on Ex.C1 dated 23.03.2009 in order to



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arrive at the market value at Rs.10,000/- per sq.m, but also relied on similarly dealt earlier batch of petitions namely the judgment in L.A.O.P.No.1 of 2017 and batch of cases **dated 10.4.2017 in connection with** Award No.13/2013 dated 20.11.2013. In the **earlier judgment in L.A.O.P.No.1 of 2017 etc. cases dated 10.4.2017**, the Tribunal below had fixed the compensation at the rate of Rs.13,500/- per sq.m. Since the acquisition now in question relates to Award No.12/2011 dated 15.09.2011, which was two years earlier in point of time when compared to Award No.13/2013 dated 20.11.2013, the Tribunal below thought it fit to reduce the value and fixed it at Rs.10,000/- per sq.m. When the adjacent land was also similarly placed and acquired for the same purpose, it is correct for the Tribunal below to rely on the value fixed in L.A.O.P.No.1 of 2017 batch cases.

10. The Government had not chosen to cross examine the claimants about the potential nature of the lands. In view of the various features that existed surrounding the acquired land, it is right for the Tribunal below to fix the land value at Rs.10,000/-. Since the Tribunal below has taken into



account the various features and locational advantages and fixed the market value similar to other similar lands in some other case does not suffer from any infirmity. Hence it is not correct to state that the market value for the lands acquired was mistakenly fixed by placing reliance on Ex.C1 dated 23.03.2009.

11. The roads were already formed near the subject lands and the purpose of acquisition itself was to expand the road. The lands acquired are not waste lands or difficult lands for which a costly sum needs to be spent on development or reclamation. Since the lands were already developed and have essential features like roads etc, there is no need to deduct any developmental charges. In fact the lands are situated abutting the road. Only in view of its exclusive physical feature the lands have been acquired for the purpose of expansion of the road. As the fixation of market value of the land is reasonable, just, fair and proper by taking into consideration of the different user of the subject lands, the Tribunal below is right in not deducting any amount towards development charges.



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12. Even though it is claimed by the learned Special Government Pleader that each case ought to have been appreciated differently, there is no proper reason or distinction shown between the lands and purposes, for which, the acquisition was made in the batch of cases. Hence, there is no difficulty in applying the same yardstick to these cases and confirming the land value fixed at Rs.10,000/- per sq.m for working out the compensation.

Accordingly, the **above Civil Revision Petitions are dismissed**. The common judgment passed by the Tribunal below dated 30.09.2021 stands confirmed. No costs. Consequently, all connected pending CMPs are closed. The petitioner is directed to pay the compensation, less the amount already paid to the claimants, within a period of two months from the date of receipt of a copy of this order. The learned Special Government Pleader is entitled to separate fee for the appeals.

16.09.2022

Index : Yes (or) No

Internet : Yes (or) No

Speaking (or) Non Speaking Order

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To

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- 1.The Additional Subordinate Court,
Chengalpattu, Kanchipuram District
- 2.The Divisional Engineer (Highways),
Maintenance & Construction,
Chengalpattu



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R.N.MANJULA,J

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Pre-delivery Common Order

in CRP.No.2215 of 2022

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