IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2876 of 2022
and
C.M.P.Nos.15582 and 18654 of 2022

The District Revenue Officer
Tiruvallur,
Tiruvallur District. ... Petitioner

vs

1.Shanmuga Sundaram

2.Divisional Engineer
Highways, Tiruvallur,
Tiruvallur District. ... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in LAOP.No.205 of 2019 dated 30.06.2021 on the file of the learned Principal District Judge, Tiruvallur.

For Petitioner	: Mr.T.Chandrasekaran Special Government Pleader
For R1	: Mr.AR.M.Arunachalam
For R2	: Not Ready in Notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the learned Principal District Judge, Tiruvallur enhancing the land acquisition compensation amount awarded by the Referring Officer from Rs.68.89 per sq.ft., to Rs.1,000/- per sq.ft.

2. The land of the 1st respondent with an extent of 1600 Sq.mtr. in S.No.403/1 and 100 Sq.mtr. in S.No.403/2 in Devasenapuram, Valliammapuram Village, Thiruthani Taluk, Thiruvallore District had been acquired in the year 2013 for expansion of Highways under Tamil Nadu Highways Act, 2001. The Land Acquisition Officer has initially passed an interim award in Award No.6/2015, dated 18.09.2015 treating the acquired land of the 1st respondent as wet land and aggrieved by the same, the 1st respondent herein approached this Court in W.P.No.26781 of 2018 wherein the Land Acquisition Officer was directed to consider the classification of the land after giving opportunity to the 1st respondent herein. But the Land Acquisition Officer passed final award treating the acquired land belongs to the 1st respondent as wet land without affording opportunity to the 1st

respondent herein.

3. When it was brought to the notice of this Court in Review Application, this Court has granted liberty to the 1st respondent to raise the issue of classification of the land also in a reference under Section 20 of the Tamil Nadu Highways Act, 2001. Thereafter, the matter was referred to the Court for considering the claim for enhanced compensation.

4. The learned Principal District Judge, Tiruvallur on consideration of evidence available on record came to the conclusion that the land in question cannot be treated as a wet land and it should be treated as a Residential Type-I. Based on the guideline value maintained by the Registration Department of the Tamil Nadu Government for the S.No.403/1, the learned Principal District Judge enhanced the compensation amount to Rs.1,000/- per sq.ft. Aggrieved by the said order, the petitioner is before this Court.

5. Heard the arguments of the learned Special Government Pleader for

the petitioner and learned counsel for the contesting 1st respondent and perused the materials available on record.

6. The learned Special Government Pleader for the petitioner tried to assail the impugned order passed by the Court below on the ground that the 1st respondent/claimant has not produced any Sale Deed relating to the property in the nearby vicinity to support his claim for enhanced amount fixed by the Court below. The learned counsel further submitted that the Referring Officer based on the available material came to the correct conclusion that the value of the land should have been fixed at Rs.68.89 per sq.ft and in the absence of acceptable material, the Court below ought not to have enhanced it to Rs.1,000/- per sq.ft.

7. Per contra, the learned counsel for the 1st respondent by relying on Ex.P8, the guideline value extract taken from the Registration Department of Tamil Nadu Government submitted that as per the guideline value, the value of the land for the relevant survey number was Rs.1,250/- per sq.ft., and the Court below only fixed the value of the land at Rs.1,000/- per sq.ft and

consequently, there is nothing on record to interfere with the findings of the Court below.

8. The learned counsel further submitted that the guideline value under Ex.P8 is the document of the Government for the purpose of collection of stamp duty and the petitioners being an Official of the Government cannot ignore the same and contend the amount fixed by the Court below is on higher side. It is not in dispute that the compensation for the lands acquired under Tamil Nadu Highways Act, 2001 has to be fixed in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 26 of the said Act, lay down guideline or criteria for assessment and determination of the market value of the land acquired. The same reads as follows:-

> "***26. Determination of market value of land by Collector.***–*(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-*
>
> *(a) the market value, if any, specified in the Indian Stamp*

Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:"

9. A reading of Section 26 (1)(a) of the said Act, would make it clear that the first and foremost criteria for assessing the value of the land is the guideline value maintained by the Registration Department for the purpose of collection of stamp duty under the Indian Stamp Act, 1899 for registration of sale deeds, agreements to sell etc.

10. In the case on hand, Ex.P8 produced by the 1st respondent dated 01.04.2012 is the guideline value extract from the Registration Department of

Tamil Nadu Government.

11. The land in question was acquired by notification dated 14.06.2013. Ex.P8 is dated 01.04.2012, prior to the date of relevant notification. As per Ex.P8, the guideline value for the relevant Survey Number is mentioned as Rs.1,250/- per sq.ft. The land also classified as residential type-I. When the land in question is classified as a residential land with the value of Rs.1,250/- sq.ft., for the purpose of collection of stamp duty, the Government cannot follow a different yardstick for the purpose of awarding compensation to the lands acquired in the very same survey number.

12. When the guideline value maintained by the Registration Department for the purpose of collection of stamp duty for registration of document is made as the first criteria for determination of the compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the contention of the learned counsel for the petitioner that the 1st respondent/claimant failed to produce any data sale deed relating to the land in the nearby vicinity to support his

claim for enhanced compensation cannot be accepted.

13. Based on the evidence available on record, the Court below came to the conclusion that the land of the 1st respondent acquired for expansion of the highways was classified as residential type land in the extract of the guideline value. The value adopted by the Reference Officer treating the same as a wet land was rejected, if the wet land is acquired then there will be more deduction towards developmental charges. However, when it is found the acquired lands are treated as residential type land for the purpose of fixation of guideline value, the deduction of amount towards developmental charges will be very minimum.

14. In the case on hand, the Court below deducted 20% towards developmental charges and fixed the value of the land at Rs.1,000/- per sq.ft as against Rs.1,250/- per sq.ft as mentioned in the guideline value extract viz., Ex.P8. Therefore, the land value arrived at by the Court below is reasonable and based on sound documentary evidence produced by the 1st respondent and consequently, I do not find any error in the order impugned in this

revision.

15. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

18.11.2022

Index : Yes / No
Speaking Order : Yes / No
dm

To

1.The Principal District Judge,
Tiruvallur.

2.The Divisional Engineer
Highways, Tiruvallur,
Tiruvallur District.

S.SOUNTHAR, J.

dm

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