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C.R.P.No.3765 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3765 of 2022
and C.M.P.No.19862 of 2022

The Land Acquisition Officer and
District Revenue Officer,
Kancheepuram.

... Petitioner

-VS-

1.T.Premkumar

2.Divisional Engineer (H)
Highways C & M,
Chengalpattu.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree made in L.A.O.P.No.65 of 2016 dated 10.04.2017 on the file of the Additional Subordinate Judge, Chengalpattu.

For Petitioner : Mr.T.Chandrasekaran
Special Government Pleader
for SPL Government Pleader (AS)

For Respondent 1 : M/s.A.R.Nixon Caveator

For Respondent 2 : No Appearance



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ORDER

Mr.A.R.Nixon, the learned counsel takes notice on behalf of the contesting first respondent. The second respondent is not a necessary party and he is a formal party and hence notice is not necessary to the second respondent.

2. This Civil Revision Petition is filed by the revision petitioner/plaintiff challenging the award passed by the Additional Sub Court, Chengalpattu in L.A.O.P.No.65 of 2016 enhancing the compensation fixed by the land acquisition officer at Rs.113 per Sq. ft. to Rs.688 per sq. ft. based on sample sale deeds Exs.C.1 to C.3 marked before the concerned Court.

3. The 1st respondent/claimant is the owner of the land comprising S.Nos.42/1A2, 42/1B, 58/2, 59/2 in Alathur Village, Chengalpattu to an extent of 2195 Sq. meters. The Government issued notification under Section 15(2) Highways Act, for acquisition of lands including land of the first respondent for expansion of IT Corridor express way. The land acquisition officer fixed the compensation amount at the rate of Rs.113/- per sq. meter and awarded compensation of Rs.49,30,028/-.



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4. Not satisfied with the compensation amount fixed by the land acquisition officer, the respondent sought for a reference to the Court. In a reference made to the Court, the land acquisition Tribunal in L.A.O.P.No.65 of 2016 enhanced the compensation to Rs.688 per sq. feet from Rs.113/- per sq. feet fixed by the land acquisition officer. In other words compensation enhanced to Rs.7,405/- per sq. meter from Rs.1216/- per sq. meter. The findings of the land acquisition Tribunal was based on three documents filed by the first respondent/claimant namely Ex.C.1 dated 18.07.2008, Ex.C.2 dated 04.07.2008 and Ex.C.3 dated 21.11.2007.

5. The learned Special Government Pleader appearing for the petitioner assailed the orders of the Court below mainly on the ground that the Court committed arithmetic error while considering sample deeds Exs.C.1 to C.3 and the compensation amount per Sq. meter should not exceed Rs.5370/- per Sq. meter.

6. The learned Special Government Pleader also states that this Court, in C.R.P.No.654 of 2021 dated 04.08.2021 considered the claim made by some of the affected party relating to the very same acquisition proceedings in the same locality and on consideration of very same sample sale deeds marked as Ex.C.1 to C.3 came to the conclusion that as per the price mentioned in the document Ex.C.2, the



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valuation for the acquired land shall be fixed only at the rate of Rs.5370/- per Sq. meter.

7. When the very same sample sale deed which was relied upon by this Court in C.R.P.No.654 of 2021 mentioned the price at the rate of Rs.5370/- per sq. meter, the Tribunal is not justified in fixing of Rs.7405/- per sq. meter. The tribunal is not justified in fixing compensation amount more than the value of land mentioned in sample sale deed.

8. Mr.A.R.Nixon the counsel appearing for the contesting first respondent agrees that the value mentioned in C.R.P.No.654 of 2021 dated 04.08.2021 as Rs. 5370/- per sq. meter can be adopted, as order passed by the Tribunal is due to arithmetic error. The said statement of the counsel is recorded.

9. In view of the discussions made above the compensation amount fixed by the Court below is not justified and it requires modification. Hence the compensation fixed by the Tribunal is reduced from Rs.7405/- per sq. meter to Rs.5370/- per sq. meter as per the value mentioned in Ex.C.2 dated 04.07.2008. In the result, this Civil Revision Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

23.11.2022



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Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

1. The Additional Subordinate Court,
Chengalpattu.
2. Divisional Engineer (H)
Highways C & M,
Chengalpattu.



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S.SOUNTHAR, J.

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