



CRP.Nos.3576, 3647, 3648 & 3649 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**CRP.Nos.3576, 3647, 3648 &
3649 of 2022**

and

CMP.No.18996, 19301, 19302 & 19303 of 2022

The Land Acquisition Officer
and District Revenue Officer
Kancheepuram.

... Petitioner in all CRP.Nos.

Vs.

1.Velayudham	... 1st Respondent in CRP.No.3576/2022
1.Mariammal	... 1st Respondent in CRP.No.3647/2022
1.Kothandapani	... 1st Respondent in CRP.No.3648/2022
1.Sukantha Kundalambigai	... 1st Respondent in CRP.No.3649/2022

2.The Divisional Engineer Highways Construction & Maintenance Chengalpattu.	... 2nd Respondent in all CRP.Nos.
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Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the judgment and decree made in LAOP.Nos.2, 1, 3 & 4 of 2017 dated 10.04.2017 on the file of the Additional Subordinate Judge, Chengalpattu.

For Petitioner in
all CRP.Nos. : Mr.T.Chandrasekaran
Special Government Pleader

For Respondents
in all CRP.Nos. : Mr.A.R.Nixon/Caveator for R1

COMMON ORDER

These Civil Revision Petitions are filed, challenging the award passed by the Court below enhancing the Land Acquisition compensation from Rs.2669/- per sq.mtr. to Rs.13,500/- per sq.mtr.

2. Lands with an extent of 63787 sq.meters or 6,86,348 sq.ft. or 15.74 acres in Poonjeri Village, Thirukalukundram Taluk, Kancheepuram District, have been acquired for the purpose of formation



of I.T. Corridor Express way. The acquisition notification under Section 15 (2) of the Land Acquisition Act was published on 07.07.2009.

3. The petitioner herein/Land Acquisition Officer by taking into consideration of various sale deeds that came into existence from 08.07.2008 to 07.07.2009 in respect of the lands that are located within the radius of 1.6 kilometer from the acquired land, fixed the value of the acquired land at Rs.2669/- per sq.mtr or Rs.248/- per.sq.ft. Thereafter, the Land Acquisition Officer passed the Award No.13 of 2013 on 20.11.2013.

4. The first respondent herein aggrieved by the compensation fixed by the Land Acquisition Officer sought for reference to Court under Section 18 of the Land Acquisition Act. On reference, the Land Acquisition Tribunal enhanced the compensation amount to Rs.13,500/- per sq.mtr. Aggrieved by the enhancement, the Land Acquisition Officer/petitioner has come up with these revisions.



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5. Mr.T.Chandrasekaran, the learned Special Government Pleader appearing for the petitioner sought to set aside the order passed by the Court below on the ground that the Court below only based on the evidence of CW1 and without assigning any reason, enhance the compensation.

6. The learned Special Government Pleader submitted that though the Court below referred to Exs.C1 & C2, but it has not assigned any reason for enhancing the compensation from Rs.2669/- per.sq.mtr to Rs.13,500/- per sq.mtr. It was also submitted by him that the petitioner/Land Acquisition Officer after taking into consideration of 349 data sales statistics fixed the value at Rs.2669/- per sq.mtr and the Court below while enhancing the compensation, ought to have recorded the reason for enhancing the compensation. Therefore, he sought to set aside the award passed by the Court below.



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7. Mr.A.R.Nixon, the learned counsel for the first respondent tried to convince this Court that the order passed by the Court below in enhancing the compensation by relying upon Ex.C3 sale deed dated 15.07.2008 marked by the first respondent/plaintiff is fair and reasonable.

8. The learned counsel for the first respondent submitted that in Ex.C3 sale deed, dated 15.07.2008, the market value of the property is shown as Rs.11,20,000/-, which is one year prior to the date of acquisition. The learned counsel submitted that the value arrived at by the Court below is only based on Ex.C3, which was marked by the first respondent. Unfortunately, in the impugned order though Ex.C3 has been marked, no discussion has been made.

9. According to the learned counsel for the first respondent based on the documentary evidence available on record, the Sub-Court,



enhanced the compensation. A perusal of impugned award passed by the

Court below would make it clear that absolutely no reasons are assigned

by Court below for enhancing compensation amount from Rs.2669/- per

sq.mtr to Rs.13,500/- per sq.mtr. There is nothing on record to suggest

that enhancement was made based on value mentioned in Ex.C3. In the

absence of any discussion made by the Court below by applying its

mind to the documents marked by the first respondent/claimant, the

impugned order cannot be sustainable. Of course the first respondent

marked three documents as C1 to C3 as his documents. All those

documents ought to have been considered with regard to the nature of

the land, distance between the land acquired and the land covered by

said document, locational advantage etc. The impugned order has been

passed without any reasoning in support of enhancement and without

consideration of claimant's documents. Therefore, I am not able to

accept the contention raised by the learned counsel for the first

respondent that based on the sale deeds produced by him, the

enhancement was arrived by the Court below.



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10. In view of the discussion made above and in the absence of any reason given by the Court below for enhancing the value fixed by it from Rs.2669/- per.sq.mtr to Rs.13,500/-, the impugned award passed by the Court below is liable to be set aside. Accordingly, the fair and decretal orders passed by the I.A.No.2 of 2017 are set aside and the matter is remanded back to the file of the Additional Subordinate Judge, Chengalpattu for fresh consideration in the light of the evidence already available on record. Since neither the appellant nor the first respondent made any request for leading further evidence, the Court below is directed to dispose of the matter by considering the evidence which are available on record, within a period of 8 weeks from the date of receipt of a copy of this order.



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S.SOUNTHAR, J.

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11. With the above directions, these Civil Revision Petitions are allowed. No costs. Consequently connected Civil Miscellaneous Petitions are closed.

30.11.2022

Index : Yes / No

Internet : Yes / No

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To

- 1.The Additional Subordinate Judge, Chengalpattu.
- 2.The Divisional Engineer Highways
Construction & Maintenance
Chengalpattu.

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