



A.S.Nos.437, 427 & 432 of 1999

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

A.S.Nos.437, 427 & 432 of 1999

and

**C.M.P.Nos.10365 of 1999, 7183 & 12208 of 2017 and
17909 & 17910 of 1999**

The Revenue Divisional Officer,
Ranipet.

... Appellant
in all the appeals

Vs.

1.Gurusamy (deceased)
2.Annamalai (died)
3.Ganapathi
4.G.Ambika
5.G.Chandrasekaran
6.G.Suresh Kumar
7.Karthigeyani
8.G.Jothikrishnan

... Respondents
in A.S.No.437 of 1999

*[Respondents 4 to 8 brought on record as
LRs of deceased R1 vide order of Court
dated 11.10.2011 made in C.M.P.No.236 of 2010]*



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*[Respondents 3 to 8 are already on record as
LRs of the deceased 2nd respondent, recorded
vide order of Court, dated 21.12.2022, made in
C.M.P.Nos.1156, 1157 & 1158 of 2011
in A.S.No.437 of 1999]*

- 1.Senthilkumar
- 2.V.P.Sampath (died)
- 3.Union Bank of India,
Represented by its General Manager,
Telecommunication Department,
Vellore.
- 4.Rajeswari
- 5.Bhuvaneswari
- 6.Vasanthi

... Respondents
in A.S.No.427 of 1999

*[3rd respondent impleaded as party respondent
as per order of Court dated 20.08.2003
made in C.M.P.No.17571 of 1999]*

*[Respondents 4 to 6 brought on record as
LRs of deceased R2 vide order of Court
dated 21.12.2022 made in C.M.P.Nos.1074,
1075 & 1076 of 2011 in A.S.No.427 of 1999]*

- 1.S.Rajeswari (died)
- 2.Divisional Engineer,
Telegraph Department,
Vellore.
- 3.Union of India,
Represented by its General Manager,
Telecommunication Department,
Vellore.



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4.Bhuvaneswari

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5.Senthilkumar

6.K.Vasanth

... Respondents
in A.S.No.432 of 1999

*[3rd respondent impleaded vide order of Court
dated 06.01.2000 in C.M.P.No.17570 of 1999]*

*[Respondents 4 to 6 brought on record as
LRs of deceased R1 vide order of Court
dated 21.12.2022 made in C.M.P.Nos.12209,
12210 & 12211 of 2017 in A.S.No.432 of 1999]*

Common Prayer : Appeal Suits in A.S.Nos.437, 427 and 432 of 1999 filed under Section 54 of Land Acquisition Act against the judgment and decree dated 29.01.1999 in L.A.O.P.Nos.832, 834 and 833 of 1989 respectively on the file of the Subordinate Court, Vellore.

For Appellant : Mr.T.Chandrasekaran
Special Government Pleader
in all appeals

R1 and R2 : Died
in A.S.No.437 of 1999

For R3 to R8 : Mr.D.Krishnan
in A.S.No.437 of 1999

R2 : Died



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in A.S.No.427 of 1999

For R1, R4 & R5 : Mr.P.S.Seetharaman
in A.S.No.427 of 1999

R1 : Died
in A.S.No.432 of 1999

For R4 to R6 : Mr.P.S.Seetharaman
in A.S.No.432 of 1999

COMMON JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)

These three appeals in A.S.Nos.437, 432 and 427 of 1999 arise out of judgment and decree of the Reference Court, dated 29.01.1999, in L.A.O.P.Nos.832, 833 and 834 of 1989 respectively.

2.The Land Acquisition Officer, namely Revenue Divisional Officer, Ranipet, is the appellant in all the three appeals. Though there are three appeals arising out of three different proceedings before the Reference Court, it is submitted that the property involved in all the three proceedings is the joint family property of the respondents in these appeals, who are the



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claimants and owners of the land. Therefore, all these three appeals are disposed of by this common judgment.

3.The property measuring an extent of 29,828 sq.ft. of land with building, which belonged to the respondents, was originally leased out to Telegraphic Department of Central Government. It is admitted that, in the wake of eviction proceedings being initiated by the owners of the land against the Telegraphic Department of Central Government, it appears that the land acquisition proceedings were initiated by issuance of notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act” for brevity) dated 03.08.1983. In the Award proceedings, it is stated that the acquisition is for providing staff quarters to Telegraphic Department. By a declaration issued vide notification dated 05.03.1986, the lands were acquired. The Award was passed by the Land Acquisition Officer by Award No.1 of 1988 dated 21.03.1988.

4.The Land Acquisition Officer awarded compensation by fixing market value of the land at Rs.10.80 per sq.ft. The Land Acquisition Officer



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awarded compensation for the buildings, trees, compound wall, etc., independently. Aggrieved by the compensation on all heads, the claimants sought for reference independently. It is admitted that the entire property, though belonged to single family, one of the branch has acquired the rights of another branch and the Reference Court entertained the reference at the instance of respondent in A.S.No.437 of 1999 in L.A.O.P.No.832 of 1989. The other two references were at the instance of other branches, namely, Senthil Kumar and V.P.Sampath.

5.It is to be noted that the all the three cases before the Reference Court have been independently heard. From the judgment of the Reference Court, this Court is able to see that the Reference Court has considered the oral evidence of the claimants rather than the documents filed on behalf of the claimants. The claimants adduced evidence to show that the property is located in a prime area and the property can be utilised as a marriage hall with easy access to the main road and other features. It is to be seen that the claimants relied upon oral evidence rather than sale exemplars before the Reference Court and they gave evidence as if the acquired land is more



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valuable and that the compensation should be paid at the rate between Rs.700/- and Rs.1,000/- per sq.ft. It is also stated in evidence that the property, namely the acquired land, was purchased by paying substantial amount and that market value is not less than Rs.4,50,000/- per cent. It is unfortunate to notice that, though the claimants claimed compensation at Rs.1,000/- per sq.ft. and Rs.4,50,000/- per cent, the documents filed by them as sale exemplars would show a very meager value. The claimants could not find any sale deed in respect of adjacent lands but contended that the acquired lands would be 4 to 5 times more than the lands covered under the sale exemplars produced. Relying upon a judgment reported in **1997 (3) LW 549 [M.P.Venugopal v. Revenue Divisional Officer, Pollachi, Coimbatore]** and the oral evidence of claimants, the Reference Court found that the acquired lands are located in a busy commercial area surrounded by cinema theatres, Hotels and other commercial establishments. Since the acquired land is just abutting the road, sale exemplars were found inadequate. The Reference Court, however, fixed the market value at Rs.175/- per sq.ft. based on overall assessment without indicating how this amount could be rationalised. Therefore, this Court is of the firm view that



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the Reference Court has not applied its mind before determining the market value with reference to the documents that were made available to the Reference Court.

6. Aggrieved by the judgment of the Reference Court, the Revenue Divisional Officer has preferred the above appeals before this Court.

7. During the pendency of the appeals, V.P.Sampath, the father of the 1st respondent in A.S.No.427 of 1999, died and respondents 4 to 6 in A.S.No.427 of 1999 were impleaded as parties. The Requisition Department, namely, Union of India, is also a party to the proceedings. Union of India has not filed any appeal as against the judgment and decree of the Reference Court enhancing the compensation from Rs.10.80 per sq.ft. to Rs.175 per sq.ft.

8. However, this Court is not inclined to remit the matter to the Reference Court once again after this length of time. The property acquired by notification under Section 4(1) of the Act, is an extent of 29,828 sq.ft.



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with several buildings. As a matter of fact, the property was taken on lease by the Requisition Department. The lands are stated to be in a prime locality in Vellore Town and therefore, the claimants are entitled to just compensation. It is unfortunate to notice that the claimants were not serious in conducting their case before the Reference Court, even though they claimed compensation @ Rs.1,000/- per sq.ft. and Rs.4,50,000/- per cent. The claimants were examined as witnesses in each L.A.O.P. The witnesses have spoken about the fact that the market value as on the date of 4(1) notification was something unreasonably high when compared to the sale exemplars produced by the claimants as well the Land Acquisition Officer.

9.The Reference Court has rendered judgment on 29.01.1999. Even though the appeals preferred by the appellant were in time, nearly 24 years have gone after the judgment was delivered by the Reference Court on 29.01.1999. In view of the long delay, serious prejudice has been caused to the land owners. The lands were acquired in 1983. This Court has to decide the issue, now after 40 years, whether the value of the land fixed by the Land Acquisition Officer at Rs.10.80 per sq.ft. or the value fixed by the



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Reference Court at Rs.175/- per sq.ft. is the just compensation ?

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10.This Court is of the view that the Land Acquisition Officer has fixed compensation without taking note of the developments and the fact that the lands were under the enjoyment of Requisition Department for a commercial purpose. It is admitted that a Post Office was functioning in the acquired land and the entire land was in enjoyment of the Requisition Department. The compensation that was awarded by the Land Acquisition Officer was very low when compared to the documents, evidence available, particularly the statements given by the witnesses and the Land Acquisition Officer, who had also admitted the fact that the land is located in a potential area. This Court, in the case of ***Land Acquisition Officer v. Kandasamy Goudar and others [A.S.Nos.868 & 952 of 2010, dated 07.11.2022]***, has considered the serious prejudice caused to the land owners on account of the long delay in getting the fair compensation, in the following lines :

“11.The lands were acquired in 1980s and the Awards were passed in 1984. Though the value of the land per cent was around Rs.3,000/- even at the time of notification, the



compensation fixed by the Land Acquisition Officer in 1984 and the amount that was made available to the land owners was only Rs.50/- per cent as per Award No.2 of 1984. Even after adding the statutory components like solatium and additional interest, the compensation that had reached the hands of the claimants in 1984 was around 3% of the value determined by Reference Court. With the rise in price, the land value has gone up atleast by 21 times within a span of 20 years, as seen from Ex.C4. From the compensation that may be paid to the land owners on the basis of the order passed by the Reference Court, the land owners may not be in a position to acquire 1/50th of the land, they have lost in acquisition. Therefore, this Court is of the view that great injustice has been done to the land owners, because of the very low amount that was paid by the Land Acquisition Officer and due to the delay in disposal of these appeals. Though the claimants are entitled to additional interest as contemplated under Section 23(1A) of the Act, and interest on the differential amount @ 9% p.a. for the first year from the date of taking possession and @ 15% p.a. thereafter, and also to other statutory benefits in the present case, the same may not mitigate the loss suffered by the claimants, for the reasons indicated above particularly on account of the delay of nearly 40 years.



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12. For all the above reasons, this Court is not inclined to interfere with the orders of the Reference Court. Accordingly, these appeals are dismissed and the order and decree of the Reference Court stand confirmed. No costs. Consequently, connected miscellaneous petitions are closed.”

11. As it has been held by this Court earlier in similar circumstances, great injustice has been done to the claimants already by the long delay in finalising the proceedings relating to payment of just compensation to the land owners.

12. Even though the compensation has to be paid by the Requisition Department and the Requisition Department is also impleaded as a party to the proceedings, no independent appeal has been filed by the Requisition Department. Even though non-filing of appeal by the Requisition Department does not affect the appeal, this Court is of the view that the Requisition Department is not really aggrieved by the quantum of compensation and that therefore, they have not filed any independent appeal



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as against the judgment of the Reference Court.

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13.For the reasons stated above, this Court is unable to interfere with the quantum as fixed by the Reference Court and hence, these appeals are dismissed. The judgment and decree of the Reference Court, dated 29.01.1999, in L.A.O.P.Nos.832, 833 and 834 of 1989, are confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (A.A.N., J.)
06.01.2023

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Internet : Yes

Index : Yes / No

To

1.The Subordinate Judge,
Vellore.

2.The Section Officer,
VR Section, High Court,
Chennai.

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