



A.S.No.863 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

A.S.No.863 of 2010

The Special Tahsildar,
Land Acquisition,
(Adi Dravidar Welfare),
Vellore.

.. Appellant

Versus

1. Gangatharan (Died)
2. Sambangi (Died)
3. Ranganathan
4. Mahadevan (Died)
5. Palani (Died)
6. Bakkiyanathan

.. Respondents

RR-1, 2, 4 and 5 died. No steps taken and
accordingly, this Appeal abated for RR-1, 2, 4 and 5
vide Court order, dated 30.11.2021 made in A.S.No.863 of 2010

Prayer : Appeal Suit filed under Section 54 of the Land Acquisition Act to
set aside the decree passed in L.A.O.P.No.1 of 2005, dated 30.09.2005 on
the file of the learned Subordinate Judge of Ranipet.

For Appellant : Mr.T.Chandrasekaran,
Special Government Pleader (A.S)

For Respondents : RR-1 to 5 - Died

: R6 - Notice served



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COMMON JUDGMENT

This Appeal Suit is directed against the judgment and decree of the learned Subordinate Judge, Ranipet, dated 30.09.2005 in L.A.O.P.No.1 of 2005, in and by which, the Trial Court had answered the reference under Section 18(1) of the *Land Acquisition Act, 1894*, thereby, enhancing the compensation in respect of the land which is acquired from the respondents / petitioners from Rs.49.50 ps per Cent to Rs.350/- per Cent.

2. The case of the respondents / petitioners before the Reference Court was that the land of an extent of Ac.1.38 Cents in S.No.570/2, Arcot town, Arcot taluk, Vellore district was acquired and a sum of Rs.1,309.28 ps was awarded in respect of each of the respondents / petitioners as compensation. According to the respondents / petitioners, the area at the time of acquisition itself was a developed area having potential of being converted into residential sites. According to the respondents / petitioners, the market value of the land at the time of acquisition was Rs.20,000/- per Cent. Therefore, they prayed for enhancement of the compensation amount.



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3. The Original Petition was resisted by filing counter statement stating that the Land Acquisition Officer has followed the procedure and taken into account of the correct data and has fixed the compensation. When the compensation has been fixed on the basis of the available data, as per the procedure, the respondents / petitioners were not entitled for enhancement.

4. On the said pleadings, the Trial Court framed the following two issues:-

(i) What is the market value of the land acquired as on the date of the 4(1) Notification under the Land Acquisition Act, 1894 i.e., as on 25.02.1983?

(ii) What are the reliefs which the petitioners are entitled to?

5. On the said pleadings, the second respondent / petitioner was examined as **P.W.1** and one *Venkatesan* was examined as **P.W.2**. The order in L.A.O.P.No.14 of 1993, in respect of a connected matter, was marked as **Ex.A-1**. There was no oral or documentary evidence on behalf of the appellant / respondent.



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6. Thereafter, the Trial Court proceeded to consider the case of the parties and after considering the fact that in a connected L.A.O.P, which was marked as **Ex.A-1**, the market value is taken as Rs.200/- per Cent, after considering the ground realities as to the location of the acquired land and its potentiality *etc.*, fixed the market value at Rs.350/- per Cent and allowed the L.A.O.P accordingly. Aggrieved by the same, the present Appeal Suit is laid before this Court.

7. *Mr.T.Chandrasekaran*, learned Special Government Pleader (LA) for the appellant / respondent would submit that the Trial Court has fixed the compensation amount at Rs.350/- per Cent without any basis whatsoever. He would submit that there was no sale deed which was produced or marked before the Trial Court so as to fix the market value at Rs.350/-. Therefore, he would submit that when the market value has been fixed without any basis, this Court should interfere. In any event, he would submit that as fixed in the connected L.A.O.P, the compensation amount should be reduced atleast to the sum of Rs.200/- per Cent as in **Ex.A-1**.

8. There is no appearance on behalf of the respondents / petitioners even though notice has been served. As a matter of fact, it is seen that four



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of the respondents / petitioners have also since passed away and the matter is only posted for bringing their legal heirs on record. After considering the facts and circumstances of the case, this Court proceeded to hear the case on merits.

9. I have considered the rival submissions made on behalf of the learned Special Government Pleader (LA) for the appellant / respondent and perused the material records of the case. The only point arise for consideration in this Appeal Suit is that whether or not the Trial Court is right in fixing a sum of Rs.350/- per Cent as market value?

10. On a perusal of the records, it would show that the land was in Arcot town itself. From the oral evidence of **P.Ws.1** and **2**, it can be seen that the land had potential and the other developments around the land have been brought on record. There is no *contra* oral or documentary evidence which was produced by the appellant / respondent. In that view of the matter, when the Trial Court, after taking into consideration the potentiality of the land, the value of Rs.200/- fixed in **Ex.A-1**, etc., and arrived at market value of Rs.350/- per Cent, it cannot be said that it is perverse or excessive. In that view of the matter, I am unable to agree with the submissions made



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by the learned Special Government Pleader (LA) for the appellant / respondent.

11. In the result,

(i) This Appeal Suit is without any merits and is accordingly dismissed;

(ii) If any further amount along with interest has to be deposited as per the award of the Trial Court, the same shall be deposited within a period of two months from the date of receipt of a copy of this order;

(iii) The respondents / petitioners will be entitled to withdraw the entire sum with accrued interest without filing any formal application and only upon verification of the identity;

(iv) Only considering the time lapse, this Court is disposing off the matter on merits without further adjourning the matter to implead the legal heirs of the deceased respondents / petitioners and therefore, in respect of any amount deposited, if the legal heirs file an application for withdrawal, the same shall be permitted *dehors* the fact that they are not brought on record in the Appeal Suit.

(v) There shall be no order as to costs.



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Index : yes
Speaking order
Neutral Citation : yes/no
grs

To

The Subordinate Judge, Ranipet.



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D.BHARATHA CHAKRAVARTHY, J.,

grs

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