



CMP.No.2781 of 2022

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in

A.S.No.896 of 2012

V. BHAVANI SUBBAROYAN, J.

The petitioner herein is the appellant in this Appeal Suit proceedings and seeks prayer to permit the petitioner to produce and mark the online certified copy of the sale deed dated 04.04.1985 registered as Document No.1565/1985 on the file of Sub-Registrar Office, Gandhipuram, as an additional evidence in the above A.S.No.896 of 2012.

2. The suit has been filed seeking for enhancement of compensation. One K.S.Natarajan was the absolute owner of the lands in S.F.No.484/1B to an extent of 0.13 acres and in S.F.No.484/2A to an extent of 0.12 acres situated in Kalapatti Village, Coimbatore. The total extent of 0.25 cents of land was acquired by the respondents for the purpose of construction of Coimbatore Aerodrome Post Office and residential quarters. The Land Acquisition Officer fixed value of Rs.400/- per cent and compensation was awarded on 21.12.1988 in award No.10/88. His father



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filed a petition in LAOP No.236 of 1990 before the Sub-Court, Coimbatore and in the LAOP proceedings pending before the Sub-Court, Coimbatore, Exs.A1 to A8 were marked. The same was considered by the Court but the Authority/Land Acquisition Officer has not considered the same and the said documents were rejected on the ground that they were registered after issuance of 4 (1) declaration. The Court awarded a decree dated 15.12.2004 awarding a sum of Rs.2,000/- per cent. Aggrieved by the said award and decree dated 15.12.2004, the father filed an appeal suit seeking for enhanced compensation and he died on 12.02.2007, the petitioner was impleaded as party.

3. As far as the documents marked as Exs.A1 to A8 are concerned, the same were not considered for the enhancement of compensation. Recently, the petitioner came up with a sale deed dated 04.04.1985 registered as Document No.1565/1985 before the SRO, Gandhipuram, wherein the land measuring to an extent of 5 cents and 356 sq.ft comprised in S.F.No.468 situated in Kalapatti Village, Coimbatore was



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sold for a total sale consideration of Rs.35,000/-(Rs.7,000/- per cent approximately). This land is situated at an extent nearer to his land which was acquired by the Land Acquisition Officer for which Rs.400/- per cent was fixed and in LAOP proceedings only Rs.2,000/- per cent was fixed. The acquired land was not given appropriate compensation. Since the petitioner could not secure the original sale deed, the petitioner produced the online certified copy of the sale deed and hence, he filed the online certified copy of the sale deed dated 04.04.1985 registered as Document No.1565/1985 before the SRO, Gandhipuram, which has got a higher sale value.

4. In the similar acquisition proceedings, a sum of Rs.6,750/- per cent was fixed and the same was upheld by the Hon'ble Apex Court and he seeks for marking the said documents before this Court as additional evidence in the present appeal, hence, the petitioner has filed this petition permitting the petitioner to produce and mark the online certified copy of the sale deed dated 04.04.1985 registered as Document No.1565/1985 on the file of Sub-Registrar Office, Gandhipuram, as additional evidence in the above



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5. The learned counsel for the second respondent filed a counter stating that the said document could not be produced. Denying all the averments in the affidavit filed in support of this petition, it is stated that the document is being submitted after nearly 20 years and no proper explanation was given by the petitioner for not filing the same at the earliest point in time. The alleged acquisition of the land is not nearer to the petitioner's land and the property that the petitioner relies on is in no way connected with the petitioner's land and the petition filed cannot be compared with the said sale deed and the said alleged document is a public document and the delay in not filing the same at the time of deciding the issue was also taken into account and hence, prayed that this petition is to be dismissed.

6. The first respondent/Land Acquisition Officer has not filed any counter. On going through the averments and on considering the arguments advanced by the learned counsel on either side, the question as to



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whether the said document sought to be marked as additional evidence is subject to comparison which is to be made by this Court and the question whether the lands are situated near to the petitioner's land is also to be considered by this Court while deciding the Appeal Suit in A.S.No.896 of 2012. Therefore, this Court is of the view that such questions can be answered in an appropriate order while deciding the appeal. Therefore, this petition is allowed.

02.01.2023

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