



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.3599 of 2023
and C.M.P.No.22536 of 2023

Land Acquisition Officer,
District Revenue Office,
Vellore.

... Petitioner

Vs

Pattamal (died)
1.Sankaran
2.Rathinabai
3.Karunakaran

... Respondents

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree of the Special Sub Court, Vellore made in LAOP No.123 of 2015 dated 23.06.2015.

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

For Respondent : Mr.K.Elango for
M/s Krishnan Law Associates

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ORDER

The present Civil Revision Petition has been filed to set aside the Judgment and decree passed in L.A.O.P.No.123 of 2015 dated 23.06.2015 on the file of Special Sub Court, Vellore.

2. Heard Mr.T.Chandrasekaran, learned Special Government Pleader (AS) and Mr.K.Elango, learned counsel for M/s Krishna Law Associates, appearing for respondent.

3. In this case, the residential lands in Ulli village in S.No.376/138 and other survey numbers have been acquired for formation of Railway over bridge at Ulli Village, Gudiyatham Taluk, Vellore District. The total extent of acquired land was of 1399 Sq.mtr. The date of notification under Section 15(2) of the Highways Act was on 08.03.2010. An award was passed in Award No.1 of 2013 dated 11.12.2013 and as against the petition preferred by the claimants, the

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learned Subordinate Court, Vellore has passed an order by fixing the land value as Rs.2,550/- per square feet. Aggrieved over the same, the Land Acquisition Officer, Vellore has come up with the present Revision.

4. The learned Special Government Pleader appearing for the petitioner submits that the court below erred in enhancing the compensation exorbitantly from **Rs.44/- per sq.mtrs to Rs.2,550/- per sq.ft.**, in violation of the procedure laid down under the Land Acquisition Act, 1894 that too when the claimants could not produce any proper documents to substantiate the enhanced claim.

5. The learned Special Government Pleader appearing for the petitioner also submits that the exhibit marked by the claimants are for a smaller extent of land and erred in relying upon the same, which cannot be taken into consideration for fixing the value of the acquired land, when it is in hectare. That apart, the court below has merely on

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surmise and conjectures came to the conclusion and fixed the value as Rs.2,550/- per square feet.

6. Lastly, the learned Special Government Pleader appearing for the petitioner contends that the enhancement made by the court are highly excessive, arbitrary and unreasonable and hence the order passed by the court below are unsustainable, thereby pleaded to set aside the order passed by the court below.

7. On the other hand, the learned counsel for the respondent/claimant submits that the court below has rightly considered the sale deed which is of the higher value. The lands are completely developed. The fact that there are existing buildings, shops in the land has also been noted by the Land Acquisition Officer. Therefore, there is no question of making any deduction towards the development charges. Hence, no interference is required.



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8. Heard the learned counsels appearing on either side and perused the materials available on record before this Court.

9. On a perusal of the order passed by the court below, it is seen that the claimants have filed the documents, viz., Exs.C.1 to C.6 and the petitioner has filed Ex.R1 to R4 before the court below for reference. In the said exhibits, the court below has taken Ex.C.4, [viz., Document No.7432/2011 dated 08.09.2011, sale deed registered for **580 Sq.ft., thereby sold for a sum of Rs.11,04,540/-]** and fixed Rs.1,904/- per square feet, and in addition to that, fixed 12% increase per year in the said amount and accordingly fixed Rs.2,550/- per square feet. On the side of the petitioner, Ex.R1 and Ex.R2 were marked to substantiate their claim.

10. It is no doubt true that Ex.C.4 and Ex.R.2 are after the issuance of notification. However, the court below has taken into consideration Ex.C.4 and fixed a sum of Rs.1,904/- as land value,

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which does not need any interference and further awarded 12% increase of the land value per year, which this Court is of the view that the same is on the higher side

11. While dealing with a similar case, the **Hon'ble Division Bench of this Court in A.S.Nos.103 of 2018 etc., batch dated 25.04.2019 [The District Revenue Officer cum Land Acquisition Officer, Vellore District Vs. Kumaresan and Others]** at Paragraph Nos.13 and 14 had held the following:-

“13. We find that practically there was no difference in the dates. The last date of publication of the notification in the locality under Section 15(2) of the Act was on 23.5.2010. Secondly, S.No.307/8, which is subject matter of Ex.C2, is slightly situated far away from S.No.274/5, though S.No.154/2A which has also been relied upon by the learned Additional Advocate General is also a bit far away. By that way, the Reference Court ought not to have made any increase. There is no material to hold that the valuation has increased within a period of few months. Moreover, the extent involved in Ex.C2 is much higher than the one which has been taken note of by the Land Acquisition Officer, though they have not been marked. Though we are not accepting the sale deeds taken into consideration by the Land Acquisition Officer, we are of the view that the Reference Court



ought not to have made 12% enhancement per year in view of the aforesaid facts.

14. In such view of the matter, we are inclined to set aside the award of the Reference Court insofar as enhancing the award by 12% from the valuation fixed at Rs.2000/- per sq ft. Thus, the appeal stands allowed in part. The appellants are directed to deposit the modified award amount within a period of eight weeks from the date of receipt of a copy of this order”.

12. Taking note of the Judgment passed by the Hon'ble Division Bench of this Court mentioned supra, this Court is inclined to fix the increase of the land value at 6% per year since there is a difference of 4 years. Accordingly , this Court is inclined to fix a sum of Rs.1,904/- as per Ex.C.4, dated 08.09.2011 and 6% increase per year, [Rs.1,904/- + Rs.114.24 [being 6% of amount increase per year] = Rs.2,018/- and the same is rounded off to Rs.2,000/-], accordingly, a sum of Rs.2,000/- per Sq.Ft., is hereby uniformly fixed as a land value.

13. In view of the above, the present Civil Revision Petition is disposed of with a direction to the petitioner to disburse the amount to the claimant(s) within a period of three months from the date of a



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receipt of copy of this order. Except the above said modification, the order passed by the court below in L.A.O.P.No.123 of 2015 remains unaltered. The claimant is entitled to all the statutory benefits.

Consequently, connected miscellaneous petition is closed. No costs.

29.07.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
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V.BHAVANI SUBBAROYAN, J.,

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To
The Sub Court,
Vellore.

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