



A.S.(MD)No.186 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.S.(MD)No.186 of 2022
and
C.M.P.(MD)No.8117 of 2022

Special Thasildar, (LA),
Adi Dravidar Welfare Department,
Srivilliputhur

...Appellant/Respondent/Referring
Officer

Vs.

1.Appeal Raja
2.Sivakumar

...Respondents/Appellants/Claimants

PRAYER: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, 1894 to set aside the decree and judgment in L.A.O.P.No.1 of 2011 dated 21.08.2017 passed by the Land Acquisition Tribunal cum Sub Court, Srivilliputhur modifying the award no.4/94-95 dated 22.07.1994 on the file of the Land Acquisition Officer and Special Tahsildar, ADW, Srivilliputhur and allow the appeal.

For Appellant : Mr. D.Sasikumar
Additional Government Pleader
For Respondents : Mr.A.Sivaji



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JUDGMENT

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Challenging the enhancement made by the Land Acquisition Tribunal cum Sub Court, Srivilliputhur by an order dated 22.07.1994 in L.A.O.P.No.1 of 2011, the present appeal came to be filed.

2.For the sake of convenience, the parties are referred to herein, as per their rank before the Trial Court.

3. The brief facts, leading to the filing of this Appeal Suit, are as follows:-

(i) The total extent of 2.47 acres of land in survey No.271/2 at Melarakularaman Village, Rajapalayam Taluk was acquired for the purpose of providing house sites to the Adi Diravidar people. The Acquisition Officer has fixed the compensation at Rs.16,088/- per hectare. Not satisfying with the compensation determined by the Acquisition Officer, the claimants sought enhancement before the tribunal.



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4. Before the tribunal, on the side of the claimants, the first claimant was examined as P.W.1 and Exs.P1 to P4 were marked. On the side of the respondent, R.W.1 was examined and Ex.R1 to Ex.R4 were marked.

5.After considering the fact that the land acquired by the Acquisition Officer is situated near the national highway and so many developments have also taken place near by the location, the tribunal has fixed the compensation at Rs. 3,000/- per cent and deducted 25% of the award amount towards development charges. Challenging the same the present appeal came to be filed.

6.The learned counsel appearing for the appellant/Acquisition Officer submitted that the trial court without any valid documents had enhanced the compensation merely on the guess work and the same is not proper. Hence, he seeks to set aside the judgment made by the tribunal.

7.The learned counsel for the respondents submitted that the trial court has fixed the compensation only after taking into consideration of the documents filed on the side of the claimants and also the developments that had taken place nearby the area. Therefore, he sought to dismiss this appeal.



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8. In the light of the above submission, now the point arises for consideration in this appeal are as follows:

(i) Whether the trial Court enhanced the compensation without any valid evidence and merely on the basis of the guess work?

9. Heard the learned counsel appearing on either side and perused the materials available on record.

10. The Land Acquisition Officer has determined the value of the lands acquired from the claimants at Rs.16,088/- per hectare. The land in question was acquired for providing house site to Adi Dravider community. The Tribunal has considered the sale deeds in respect of survey No.705, which is situated near to the land of the claimants, wherein the said property had been sold for higher value than the amount fixed by the Acquisition Officer for the lands acquired from the claimants. Considering the above facts and also considering the developments that had taken place near the acquired lands, particularly introduction of mills, factories, hospitals and commercial establishments, the trial Court has rejected the



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determination made by the Acquisition Officer and enhanced the compensation by applying guess work. But, however, the Tribunal has not enhanced the compensation merely on the guess work. It had considered the sale deeds, developments in that area and the location of the land within the Taluk and had enhanced the compensation.

11. In view of the above, this Court is of the view that the Tribunal has infact considered the entire evidence available on record and also considered the nature of the property acquired from the claimants and enhanced the compensation. Such finding of the trial Court does not require any interference. Accordingly, the point arose for consideration in this appeal is answered.

12. It is relevant to note that the huge land measuring at 2.47 acres have been acquired by the Acquisition Officer for providing house site to the Adi Dravider Community people and the Acquisition Officer fixed the compensation only at Rs.16,088/- and same is very pittance. Being the welfare state, while acquiring the land, it has to pay a reasonable compensation to the land owners. The very land itself acquired for the purpose of providing house sites, particularly for weaker section. The state ought to have determined the compensation in a



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reasonable manner and compensation cannot be mere pittance. If such an attitude is adopted while acquiring the lands from the landlords, it will make the landowners to become landless and force them to lead their life in poverty. If the land in question is not acquired, the land owner can easily earn a decent income from the said land and the same would be sufficient for his livelihood sustenance. Even by rearing goats and cattle in the said land, a farmer can easily manage his affairs till is life time.

13.In view of the forgoing discussions, this Court is of the view that the amount determined by the Tribunal is very reasonable and it does not require any interference. Accordingly, this Appeal Suit is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2023

NCC : Yes/NO
Index : Yes/No
Internet : Yes/No
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To

1.The Land Acquisition Tribunal cum Sub Court,
Srivilliputhur.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR, J.

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Judgment made in
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