



AS(MD).No.51 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**AS(MD).No.51 of 2014 and
MP(MD).No.1 of 2014**

The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
Officer

...Appellant/ Referring

Vs.

1.Venugopalan
2.Paranidharan
Claimant

... Respondent /

PRAYER: This Appeal Suit filed under Section 54 of Land Acquisition Act against the Judgment and Decree, dated 28.03.2013 made in LAOP.No.87 of 2000, on the file of the Principal Subordinate Judge, Kumbakonam.

For Appellant : Mr. D. Sasikumar
Additional Government Pleader
For respondents : No appearance



AS(MD).No.51 of 2014

JUDGMENT

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This Appeal Suit has been filed by the appellant against the order of the Principal Subordinate Judge, Kumbakonam made in LAOP.No.87 of 2000 enhancing the compensation from Rs.600/- to Rs.11,772/- .

2. The appeal suit has been filed mainly on the ground that the Reference Court has considered the sale deed which was executed after issuing 4(1) Notification, besides, a sale deed also executed just one year prior to the Notification. According to the learned counsel for the appellant, some of the claimants in the same notification also preferred LAOP before the Reference Court and the Reference Court has fixed the similar amount. Challenging the same, appeals have been preferred before this court in AS(MD).Nos. 75, 77 and 78 of 2014, wherein this Court by Judgment, dated 24.10.2018 has modified the award amount to a sum of Rs.5,886/-, after deducting the developmental charges.

3. The learned counsel appearing for the appellant submits that the same is applicable to the present facts of the case also, since



AS(MD).No.51 of 2014

reference land acquisition is under the same notification.

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4. In the light of the above said submission, now the point arise for consideration in this appeal are as follows:

1. Wether the enhancement made by the Land Acquisition Tribunal is in accordance with law?

2. Whether there will be a deduction for developmental charges for the value determined?

3. To what other relief?

5. I have heard the learned Additional Government Pleader appearing for the appellant and perused the materials available on record.

6. On a perusal of the records, it is seen that the Land Acquisition Officer / Sub Collector, Kumbakonam, has passed an Award, dated 16.02.1998 despite of S.No.27/2 to the respondents herein and the value of the compensation is fixed at Rs.6,145/-. The value per cent is specifically mentioned in the award as Rs.600/- per cent. The huge extension of land was acquired in the Perumandi village Kumbakonam



AS(MD).No.51 of 2014

and the Land Acquisition officer has fixed the compensation to the various land owners. In the award, he has fixed the compensation at Rs.600/- per cent in all the cases.

7. Not satisfied with the award, the matters have been referred to the Reference Tribunal. The Tribunal, after considering the evidence adduced by the claimants, particularly, the sale deeds dated 20.09.1988, 25.08.1995 and 28.02.1994, enhanced the compensation at the rate of Rs.11,772/- per cent and accordingly awarded the compensation.

8. Challenging the enhancement, three appeals have been preferred in AS(MD).Nos.75, 77 and 78 of 2014 before this Court. This Court, after considering the fact that the sale deed relied upon by the Tribunal is either just immediate to the notification or subsequent to the notification, therefore, set aside the order and modified the award amount to the extent of Rs.7,848/- per cent, after deducting 25% towards developmental charges, the amount has been fixed at Rs.5,886/- per cent and the other portions in the Judgment relating to interest, solatium and further interest are not interfered with by this Court, dated 24.10.2018.



AS(MD).No.51 of 2014

9. This appeal is arising out of the same award the hence, same compensation has been fixed by the Tribunal. The land in question which was acquired under the same notification also situated in the same village.

10. In such view of the matter, since the Tribunal also relied upon some documents to enhance the compensation in the earlier proceedings, this Court feels it fit to reduce the compensation in the present case also. Such view of the matter, since this Court has also considered those documents and fixed the compensation referring the above compensation fixed by the Tribunal, hence, the award of Tribunal fixing the compensation at Rs.11,772/- per cent is set aside and the compensation is fixed at Rs.5,886/- per cent after deducting the developmental charges. With the above observation, all the points are answered.

11. Accordingly, the award of the Tribunal is interfered with and the Judgment and Award, dated 28.03.2023 made in LAOP.No.87 of 2000 on the file of the Principal Subordinate Judge, Kumbakonam is set aside and the value of the compensation is fixed at Rs.5,886/- per cent. The



AS(MD).No.51 of 2014

other portions in the Judgment, relating to interest, solatium and further interest are not interfered with.

12. The Appeal Suit is disposed of accordingly. No costs.
Consequently, the connected Miscellaneous Petition is closed.

09.03.2023

Index : Yes/No
Internet : Yes/No
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To

1. The Principal Subordinate Judge, Kumbakonam.

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



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AS(MD).No.51 of 2014

N.SATHISH KUMAR, J.

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**AS(MD).No.51 of 2014 and
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