



C.M.SA(MD)No.1 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.SA(MD)No.1 of 2022

1.P.Paramasivam
2.P.Raj @ Chinnasurlivel

..Claimants/Appellants/
Appellants

Vs.

The Special Thasildar,
Adi-Dravidar Welfare
(Land Acquisition)
Periyakulam
Theni District.

...Presiding Officer/
Respondent/ Respondent

PRAYER: This appeal is filed under Section 13 of the Tamil Nadu Acquisition of Land for Harizan Welfare Schemes Act, against the judgment and decree dated 01.02.2006 passed in C.M.A.(LA)No.1 of 1998 on the file of the Sub-Court, Periyakulam modified the order passed in Award No.3/97-98 dated 30.11.1997 on the proceedings of the land Acquisition Officer and Special Thasildar, Periyakulam.

For Appellants : Mr.M.P.Senthil
For Respondent : Mr.D.Sasikumar
Additional Government Pleader



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JUDGMENT

Challenging the compensation fixed by the Reference Court in L.A.O.P, the present appeal came to be filed.

2. An extent of 1 acres 82 cents in S.Nos.181/2a, 2b and 2c, were acquired for the purpose of house-sites to the Adi Dravidar. The Acquisition Officer fixed the compensation at Rs.180/- per cent. As the claim is not satisfied, a reference was made before the Land Acquisition Tribunal, seeking to enhance the compensation. The Tribunal, after considering Ex.C.1, has enhanced the compensation to Rs.700/- per cent. Not satisfied with the said amount, the present appeal came to be filed.

3. The learned counsel appearing for the appellants would submit that Ex.C.1 is relevant to S.No.182/2c and the sale was executed on 13.02.1995 and the land was acquired after two years and the very land itself is acquired for providing house-sites patta to the Adi Dravidar. In such view of the position, when the land in question had already been sold as house-sites two years prior to the acquisition on higher value, the same



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ought to have been considered by the Reference Court. Hence, the present appeal.

4. The learned Additional Government Pleader appearing for the respondent submitted that the Tribunal has considered Ex.C.1 and has given the details that the compensation has been enhanced from Rs.180/- to Rs. 700/- per cent. Hence, he opposed the appeal.

5. In view of the above, the points that arose for consideration in this appeal, are:

(i) Whether the Tribunal considered Ex.C.1 in a proper manner and fixed the proper compensation?

(ii) Whether the appellants are entitled to get enhanced compensation?

6. It is not in dispute that the land in question was acquired for the purpose of providing house-sites. Before the Tribunal, on the side of the appellants, P.W.1 was examined and Ex.P.1 to Ex.P.6 were marked. On the



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side of the respondent, R.W.1 was examined and Ex.R.1 to Ex.R.3 were marked and also Ex.C.1 to Ex.C3 were marked on the side of the Court documents

7. It is not in dispute that Ex.P.3, which was registered on 13.02.1995 in the same survey number, is one of the survey number, which is also the subject matter of the acquisition viz., S.No.181/2c.

8. A perusal of Ex.P.3 makes it clear that for an extent of 6 cents as early as on 13.02.1995, the value of the land per cent has been fixed in the above sale deed is at Rs.1180/-. It is relevant to note that the very adjacent land was acquired for the purpose of providing house-sites to Adi Dravidar and the very purpose of acquisition itself clearly shows that the land acquired is only meant for providing house-sites.

9. This Court is of the view that taking into consideration Ex.P.3, even two years prior to the acquisition, the land has been sold for higher value and the Reference Court ought to have considered the said document



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and should have deducted 30% towards Developmental Charges, but it has not been done so.

10. This Court is of the view that the trial Court fixing at Rs.700/- per cent is not proper. Accordingly, the value found in the sale deed viz., Ex.P.3 has to be taken note of and admittedly, since the acquired land only meant for providing as house-sites, development charges 30% is deducted. This Court is of the view that the amount fixed by the reference Court at Rs. 700/- is enhanced to Rs.826/- per cent. Point Nos.(i) and (ii) are answered accordingly.

11. In the result, this Civil Miscellaneous Second Appeal is allowed to the extent indicated above and the judgment in respect of the interest and other solatium ordered by the Tribunal, is confirmed. No costs.

17.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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N.SATHISH KUMAR, J.
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To

- 1.The Sub-Court,
Periyakulam.
- 2.The Special Thasildar,
Adi-Dravidar Welfare
(Land Acquisition)
Periyakulam
Theni District.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
C.M.SA(MD)No.1 of 2022

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