IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.11.2023

PRONOUNCED ON : 23.02.2024

CORAM

THE HONOURABLE Mrs. JUSTICE K.GOVINDARAJAN THILAKAVADI

A.S.No.12 of 2015

The Special Tahsildar(L.A)
SIPCOT Unit,
Sriperambudur,
Tiruvallur District. ... Appellant/Referring Officer

Vs.

1.S.R.Lakshmi (a) Ramalakshmi

2.The Managing Director,
SIPCOT,
Egmore,
Chennai-8. ... Respondent/Claimant/Beneficiary

PRAYER: First Appeal filed under Section 54 of the Land Acquisition Act to set aside the decree passed LAOP No.288 of 2003 dated 28.02.2006 on the file of the Additional District Judge, Fast Track Court No.V, Chengalpattu at Tiruvallur.

For appellant : Mr.T.Chandrasekaran
Special Govt. pleader

For respondents : No appearance

JUDGMENT

This appeal is preferred against the judgment and decree dated 28.02.2006 passed in LAOP No.288 of 2003 on the file of Additional District Court, Fastrack Court Chengalpattu at Thiruvallur.

2. In this appeal, the Court below considered the claim of the land owner which culminated into order and decree in LAOP No. 288 of 2003.

3. The following issues arises for consideration:-

(i) What is the market value to be fixed for purpose of working out compensation ?

(ii) Whether what relief the claimants are entitled?

4. The acquisition in the award is related to the land situated in Mambakkam Village and the total land acquired in S.No.161/3 measuring 0.22.5 hectares. The lands were admittedly

classified as dry lands. The Acquisition Officer fixed the land value at Rs.450/- per cent by relying upon the data sale deed relating to S.No.165/1A dated 11.09.1996 under which an extent of 0.62 acres of dry land came to be sold for Rs.27,900/-. Before the Acquisition Officer, the claimants did nor rely upon any specific document for enhancement, though according to the claimants the market value was not less than Rs.25,000/- per cent.

5. The other uncontroverted facts are that the acquired lands are situated 45 kilometres from the city of Chennai on the National Highway. The area identified by SIPCOT constitutes a compact block and located at the east of the National highway. These lands proposed by SIPCOT were acquired under urgency provisions of the Act so as to make the lands readily available for such projects. Accordingly, the Government in their orders No.61, Industries (MID-II) Department, dated 24.02.1997 have accorded administrative sanction for the acquisition of 935.52.0 hectares of patta lands in Sriperumbudur 'C' and other village in Sriperumbudur

taluk under the urgency provisions of the Land Acquisition Act. The District Revenue Officer (Land Acquisition), SIPCOT, Sriperumbudur in his proceedings in RC.B2/156/96 dated 3.9.97 has allotted 11.6.95.5 hectares of Dry and Manavari lands in 155, Mambakkam Village for acquisition and submission of proposals under urgency provisions of the Act. The lands so allotted in Mambakkam Village to this Unit-9 has been conveniently divided into Blocks 11, 21. In this 7.89.0 hectare of lands Block 18 was acquired, according to this 4(1) notification was issued in the year 1998. Advertisements were made in the village on 05.01.1999 and the award enquiry was conducted on 20.08.1999. To fix the market value, 26 sales statistics were collected from the Sriperumbudur Sub-Registrar's Officer from 16.09.1996 to 15.09.1997. As the lands so acquired were dry and manavari, the wet lands sale value was discarded. As the plots were of high value and were at a distant place and jointly purchased, these documents were also discarded. Finally, in S.No.212/4 with an extent of 0.40 cents, deed bearing No.7074 dated 30.12.1996 was taken into consideration for fixing the market value and the cost of 1 cent is Rs.450/- or Rs.1111.50 per cent are fixed with 30% solatium and 12% interest paid. But the claimants being not satisfied with the value fixed by the Referring Officer have forwarded application under Section 18 of Land Acquisition Act to fix the value at Rs.20,000/- per cent.

6. The Court below in the common order in LAOP No.50 of 2003 passed the following order:

> *"1) In the result, the order of the Referring Officer fixing the value of Rs.450/- per cent is enhanced to Rs.4400/- per cent with 30% of solatium and the claimants are entitled to the same.*
>
> *2) The claimants are entitled to an additional amount at the rate of 12% per annum, from the date of 4(1) notification till the date of award of the Referring Officer or taking possession of the land, whichever is earlier.*
>
> *3) It is ordered that the claimants are entitled to get 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year on*

the amount calculated as the market value of the land till the date of deposit.

4) It is also ordered that any sum paid earlier to be deducted from the total sum if it has been already received by the claimants and the expenses incurred by this Court for sending notice to the claimants should also be deducted at the time of issuance of the cheque.

5) Time for deposit is 3 months.

6) There is no order as to costs to the claimants.

7) The Government Pleader's fee is as per rules."

7. Assailing the said order, the present appeal has been preferred by the Special Tahsildar (L.A), SIPCOT Unit, Sriperumbudur. The learned Special Government Pleader on behalf of the appellant would submit that

(a) The Court below has erred in enhancing the market value exorbitantly from Rs.450/- per cent to Rs.4400/- per cent in violation of the procedures prescribed under the Land Acquisition Act.

(b) The Court below is erred in not following the belt system i.e. grouping the acquired lands according to the loaction i.e.,

(1) front portion land facing the road,

(2)lands situated in the middle portion and

(3)lands situated at the interior place etc., before fixing the market value.

(c) The Court below has erred in relying upon Ex.C3 and Ex.C4 sale deeds when the genuinity of the above sale deeds have not been proved by the claimants.

8. The learned Special Government Pleader would submit that the Trial Court placing reliance on Ex.C3 and Ex.C4 has fixed the value of land at Rs.4400/- per cent which is erroneous. He would also submit that in similar case of the lands situated in Mambakkam Village, this Court in A.S.Nos.105 to 197, 608, 637 to 640 of 2008, 515 to 531 of 2007 fixed the land value at Rs.2800/- per cent with 30% solatium and the same can be adopted for the subject matter of

the present LAOP. Assailing the impugned judgment and decree of the Court below, the learned Special Government Pleader submitted that the value fixed by this Court in A.S.Nos.105 to 197, 608, 637 to 640 of 2008, 515 to 531 of 2007 shall also be fixed as the land value for the subject matter of the present appeal suit. In the above appeal suits in A.S.Nos. 105 to 197, 608, 637 to 640 of 2008, 515 to 531 of 2007, this Court has held as follows:

> " *13.Keeping the above principles in mind, when we examine the case on hand, it is needless to state that the lands were all barren when acquired and the developments had to be made from scratch. The purpose for acquisition by the requisitioning body viz., SIPCOT was for setting up of an industrial park. Further, such a development on that occasion of industrial park was made for multinational companies, NRIS and other major industries to set up their industries in the acquired lands. For that purpose, several other developments by way of road, water facilities, drainage facilities, street lights, hospitals, police station, telecommunication facilities etc., had to be made. It is common knowledge that such developments would necessarily involve crores of rupees to be spent as*

claimed by the respondents/claimants before the Courts below. If that be so, the Courts below ought to have applied the maximum percentage of deduction viz., 53% towards development charges. We therefore hold that the development charges fixed at the rate of 33% and 30% by the Courts below was not justified and instead the development charges to be deducted should be at the rate of 53%. Accordingly, on the sale value of Exs.C2 to C4 in L.A.O.P.No.86 of 2003 etc., batch and Exs.C3 and C4 in L.A.O.P.No.50 of 2003 etc., batch, we deduct 53% by way of development charges. The remaining sum works out to Rs.2,820/-. We round it off to Rs.2,800/- per cent as market value. Consequently, while confirming the judgment of the Courts below dated 28.04.2006 and 28.02.2006 in L.A.O.P.No.86 of 2003 etc., batch and L.A.O.P.No.50 of 2003 etc., batch respectively, we only modify the market value of the acquired lands to a sum of Rs.2,800/- per cent instead of Rs.4,600/- per cent and Rs.4,400/- per cent respectively."

9. The acquired land is situated in Mambakkam Village and the lands referred in A.S.No.105 to 107, 608 , 637 to 640 of 2008, and in A.S.No.515 to 531 of 2007 is also situated in the same Mambakkam

village. In the above referred cases, the Hon'ble Division Bench of this Court has fixed the market value of the acquired lands to a sum of Rs.2800/- per cent. Therefore, it would be appropriate to fix the same market value for the lands acquired is subject matter in the present appeal suit. Accordingly, the market value of the acquired lands in the present appeal is fixed at Rs.2,800/- per cent.

10. To sum up in the result, all the appeals are partly allowed as indicated below:

(a) The land value in this appeal is fixed at Rs.2,800/- per cent with 30% solatium;

(b) Time for deposit is three months from the date of receipt of a copy of this judgment;

(c) The claimants are entitled to an additional amount of 12% per annum from the date of 4 (1) Notification till the date of Award of the Referring Officer or taking possession of the land, whichever is earlier;

(d) The claimants are entitled to 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposit;

(e) Any excess amount deposited, after satisfying the above Award, is permitted to be withdrawn by the appellant in all the appeals:

(f) The learned Special Government Pleader (AS) and the learned counsel appearing for SIPCOT shall be entitled to separate fees for each of the appeals

(g) There shall be no order as to costs.

11. Consequently, connected miscellaneous petitions are closed.

12. Therefore, it would be appropriate to fix the same land value to the land which is the subject matter of the present appeal suit. Accordingly, the land value in this appeal is fixed at Rs.2800/- per cent with 30% solatium. To sum up in the result, the appeal is partly allowed as indicated below:

(a) The land value is fixed at Rs.2800/- per cent with 30% solatium.

(b) Time for deposit is three months from the date of receipt of a copy of this order.

(c) The claimant is entitled to an additional amount of 12 % per annum from the date of 4 (1) Notification till the date of Award of the Referring Officer or taking possession of the land, whichever is earlier.

(d) The claimant is entitled to 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposits.

(e) Any excess amount deposits, after satisfying the above award, is permitted to be withdrawn by the appellant in this appeal.

(f) There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

23.02.2024

Index : Yes/No
Speaking order/non-speaking order
ssa/vsn

To

1. The Additional District and Sessions Judge, Chengalpattu.

2.The Section Officer,
V.R.Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI, J.,

ssa/vsn

Pre-delivery judgement made in

A.S.No.12 of 2015

23.02.2024