



AS. No.413 of 2021

**WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.02. 2024**

**CORAM:**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**A.S Nos. 413, 414, 415 & 416 of 2021**

**& CMP No. 18079,18102, 18119 & 18153 of 2021**

The Special Tahsildar (LA)  
Adi Dravidar Welfare Department  
Dharmapuri.

...Appellant in all appeals

Vs.

Kannuran (Died)  
1.Mangammal  
2.Govidan  
3.Mathiyan  
4.Shanthi  
5.Sahnthi

...Respondents A.S No. 413 of 2021

Mukkan (Died)  
1.Thirumalai  
2.Padma  
3.Raja  
4.Chinnaival



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5.Kamsala

3.Shankar

...Respondents A.S No. 414 of 2021

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Chinnammal (Died)

Rathinam

...Respondents A.S No. 415 of 2021

Chennamoorthy Chetty (Died)

1.C.Baby

2.C.Dharman

3.C.Chenni Chetty

4.Rathinammammal

5.Mathaiyan

6.C.Selvi

7.C.Selvaraj

8.C.Saroja

9.C.Rajendran

...Respondents A.S No. 416 of 2021

**PRAYER IN AS No. 413 of 2021** : This appeal filed under 54 of Land acquisition Act, to set aside the judgment and decree passed in LAOP No. 2 of 2013 dated 31.10.2017 on the file of the Sub Court, Dharmapuri.

**PRAYER IN AS No. 414 of 2021** : This appeal filed under 54 of Land acquisition Act, to set aside the judgment and decree passed in LAOP No. 1 of 2012 dated 31.10.2017 on the file of the Sub Court, Dharmapuri.

**PRAYER IN AS No. 415 of 2021** : This appeal filed under 54 of Land acquisition Act, to set aside the judgment and decree passed in LAOP No. 3 of 2013 dated 31.10.2017 on the file of the Sub Court, Dharmapuri.

**PRAYER IN AS No. 416 of 2021** : This appeal filed under 54 of Land acquisition Act, to set aside the judgment and decree passed in LAOP No. 1 of 2013 dated 31.10.2017 on the file of the Sub Court, Dharmapuri.



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For Appellant : Mr.Mr.T.Chandrasekaran,  
(in all appeals) Special Government Pleader.  
For Respondents : Mr.C.Umashankar  
(in all appeals)

**COMMON JUDGMENT**

These appeals are filed to set aside the judgment and decree passed in LAOP Nos.1 of 2012, 1, 2 & 3 of 2013 dated 31.10.2017 on the file of the Sub Court, Dharmapuri.

2. The brief facts of the case is that, the Land acquisition Tahsildar, Dharmapuri District acquired the land to an extent of 5.42 acres for the welfare of the Adi Dravidar, as per the Tamil Nadu Land Acquisition Act, 1978, which was belongs to the respondents herein. After complying due process, and in order to assess the value of the acquired land the enquiry officer collected the sale deeds from 11.12.1988 to 10.12.1989, during that period data sale deed dated 26.08.1989 document No. 1368 was taken into consideration and fixed the value of property as Rs. 11,458/- per Acre and other sale deeds pertaining to the nearby land survey number was rejected as boundaries far away from the acquired land as well as some of them were



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relied the house plots and not for large extent. Therefore, the based on referred data sale deed dated 26.08.1989 the enquiry officer fixed a sum of Rs.11,458/- as compensation per acre thereby award was passed for entire extent of 5.42 acres with 30% additional amount on 30.04.2012.

3. Challenging the said award, the claimants preferred the case before the Sub Court, Dharmapuri, in the said appeal the claimants contended that the Special Tahsildar has not properly analysed the sale deeds relied by the claimants while fixing the value of the land. In fact, in the year of 1989 the value of the land per square feet was Rs.20/- but the special Tahsildar failed to consider the sale deeds of the year of 1989 and fixed value of the acquired land as Rs.4 per square feet without considering the said sale deed the Special Tahsildar fixed the lesser value of land as Rs.11,452/- per acre as such is totally erroneous and prayed to set aside the award passed by the special Tahsildar and to enhance the value of the land acquired from Rs.4/- to Rs.20 per square feet per square feet.

4. The Special Tahsildar, Land Acquisition Officer and Adi Dravidar Welfare, Dharmapuri, contested the case and raised objection to enhance the amount and also stated that Special Tahsildar rightly fixed the compensation which needs no interference. Further, submitted that the before passing the



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order the Special Tahsildar rightly analysed the sale deeds and referred the sale deed dated 26.08.1989 in which 2.40 acre was sold for a sum of Rs.27,500/- and the said subject land was sold before issuing the notification. Apart from that vast extent of land near about 5 acres 42 cents were acquired. Therefore, the Special Tahsildar rightly referred the sale deed which contains 2 acres 40 cents thereby fixed a sum of Rs.11,458/- per square feet. On the other hand, now the claimant relying the sale deed dated 16.08.1989 but the extent of the land in the sale deed relied by the claimant was 1.80 square feet sold for Rs.4 thousand not to be taken into consideration for the reason that lesser extent of value fixed for lesser amount cannot be computed with large extent of property.

5. By considering the above, the reference Court came to the conclusion that the subject property is situated near the Salem - Bangalore High Way and also hospital, textile mills were situated near the acquired land. Besides there is petrol pump, primary health centre, commercial complexes and bank are situated near the acquired land. Apart from that the claimant were cultivated the acquired land by cultivating grains, ground nuts in the subject property due to acquisition they were sustained loss and the value of the land fixed by the land acquisition officer was meagre.



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Accordingly, considering the sale deed dated 16.08.1989 relied by the claimants the learned judge fixed the value of the property of Rs.6 per square feet and enhancing the claim with other additional amounts. Aggrieved over the same, the State/appellant filed this appeal.

6. The learned Government Pleader submitted that the reference Court passed the order by relying the sale deed for lesser extent hence he prays to set aside findings. Further, he submitted that while passing the order special Tahsildar rightly taken into account the data sale deed of the dry land to arrive the market value of the acquired land since the acquired land and data sale deed are of the same nature. Further, reference court enhanced the compensation exorbitantly from Rs. 11,458/- per acre to Rs. 2,61,000/- per acre is violation of the procedures prescribed under the land acquisition Act, 1894 and also submitted that reference Court failed to consider value fixed by the land acquisition officer based on the sale of an extent of 2.40 acres sold for Rs.27,500/- which was sold for the Rs.27,500/- out of one acre value was fixed as Rs.11,458/- but without appreciating the same lower Court enhanced the compensation exorbitantly by fixing Rs.6 per square feet by considering the sale deed dated relied by the claimants which covers only lesser extent therefore prayed to set aside the judgment passed by the





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value of the property the special Tahsildar should have considered the future development but he failed and the reference Court rightly analysed the facts and enhanced the amount which needs no interference.

9. Admittedly, the learned counsel for the appellant argued that data sale deed relied by the Special Tahsildar was pertaining to the extent of 2.40 acres but the lower appellate Court relied the sale deed of lesser extent of 1.080 acre based on that he fixed a sum of Rs.6 per square feet as such is erroneous one. Admittedly, data sale deed dated 16.08.1989 relied before the lower appellate is executed before the Government notification and land covered in the said sale deed also nearby the acquired land. Therefore, the value of development as well as data sale deed referred by the reference Court needs no interference. Therefore, the objection raised by the appellant is not sustainable. Accordingly, award passed by the reference Court is confirmed. Further, the appellant is directed to deposit the balance amount, if any, to the claimants within a period of two weeks from the date of receipt of a copy of this order, on such deposit, the claimants are permitted to withdraw the amount as per manner to law.

10. In the result, this appeals are dismissed. No Costs. Pending



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applications, if any, shall stands disposed of.

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**T.V.THAMILSELVI,J.**



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To

1. The Sub Court, Dharmapuri.
2. The Section Officer,  
V.R Section.

**A.S Nos. 413, 414, 415 & 416 of 2021**  
**& CMP No. 18079,18102, 18119 & 18153 of 2021**

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