IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM:

THE HON'BLE MR. JUSTICE S.S.SUNDAR

and

THE HON'BLE TMT.JUSTICE N.MALA

Rev.Appl.Nos.65 to 73 of 2024
CMP.Nos.7588, 7594, 7593, 7598, 7599, 7602, 7612, 7619 and 7621 of 2024

Rev.Appl.No.65 of 2024

The Special Tahsildar (LA),
SIPCOT TACID DIVISION,
Oragadam Scheme,
Irungattukottai,
Sriperumbudur Taluk. ... Review Applicant

vs.

1.Naveen Latha

2.The Managing Director,
SIPCOT, No.19A,
Rukumani Lakshmipathy Road,
Egmore, Chennai-600 008. .. Respondents

Prayer: Review Applications filed under Sections 114 and Order 47 Rule of Civil Procedure Code against the common order dated 30.09.2022 made in A.S.Nos.420 to 428 of 2016.

For Applicants in all Rev. Applns. : Mrs.R.Anitha, Special Government Pleader

For Respondents in all Rev. Appln. : Mr.B.Sasidharan for R1

Mrs.S.Magarani,
Standing Counsel for Sipcot for R2

COMMON ORDER

(Order of the Court was made by S.S.Sundar, J.)

All these review petitions are filed seeking review of the judgment and decree passed in a batch of cases in A.S.Nos.420 to 428 of 2016 dated 30.09.2022. The review applicant is the appellant in all the first appeals challenging the judgment and decree dated 19.07.2011 made in L.A.O.P.Nos.1208 to 1216 of 2008, on the file of the Subordinate Judge, Kancheepuram. Relying upon Ex.C3 - Sale Deed, which was marked, the Reference Court came to the conclusion that the said document reflects the correct market value and after deducting 30% of the market value towards development, a sum of Rs.4,560/- was fixed as the value per cent.

2. Earlier, the Land Acquisition Officer passed award in all cases fixing market value at the rate of Rs.250/- per cent. Challenging the quantum of compensation fixed by the Land Acquisition Officer, the landowners sought for reference under Section 18 of the Land Acquisition Act, 1894, seeking enhancement of compensation. Accordingly, the matters were

referred to the learned Subordinate Judge, Kancheepuram in L.A.O.P.Nos.1208 to 1216 of 2008.

3. It is to be noted that the notification issued under Section 4(1) of the Land Acquisition Act, 1894 was published on 04.01.1999. Aggrieved by the quantum of compensation fixed by the Reference Court, the Land Acquisition Officer has preferred the appeals in A.S.Nos.420 to 428 of 2016 before this Court. This Court, after considering the document under Ex.C3, found that the said document is dated 18.10.1993. We accepted the said document as a genuine transaction reflecting correct market value, but found that the amount to be determined from the document should be something more as there must be some enhancement taking note of the appreciation of land value between the date of sale deed and the date on which the market value to be assessed. [i.e., the date of Section 4(1) Notification]

4. Admittedly, Ex.C3 is dated 18.10.1993 and Section 4(1) Notification is dated 04.01.1999. Since the compensation has to be fixed by taking into account the market value as on 04.01.1999, the actual market value in 1999 should be by taking into account the appreciation or possible increase in

price from 1993 to 1999. Since the Hon'ble Supreme Court in several cases indicated that the price of land would go up every year by 10% (appreciation of value), this Court ultimately found that the market value fixed by the reference court is grossly inadequate. It is in the said circumstances, we dismissed the appeals holding that the quantum fixed by reference court is just 50% of market value. Hence, we held that the compensation by the reference court on the basis of Ex.C3 cannot be less than Rs.4560/- per cent. We have also pointed out the huge delay in disposal of appeals. The only ground raised in the appeal is that the extent of property sold under Ex.C3 is 6510 Sq.Ft. (14.94 cents) and hence the market value cannot be more than Rs.4270/- per cent. Even if the extent is 6510 Sq.Ft. the value comes to Rs.6,100/- per cent. Appreciation by 10% every year will lead to an addition of another 60%. It is in the said circumstances, this Court finds that there is no scope of review.

5. Review is not an appeal in disguise and the Court cannot review the judgment on merits even if a different view is possible. Unless there is error apparent on the face of the record, a judgment cannot be reviewed. Even if an error is required to be detected by a process of reasoning, there is no scope

of review under Order 47 Rule 1 CPC. This Court has reiterated this principles in every one of our judgments, following the law declared by the Hon'ble Supreme Court.

6. This Court finds no merit in these review applications. Hence, these review applications are dismissed. Consequently, connected miscellaneous petitions are dismissed.

7. It is noticed that the review applicant has deposited a sum of Rs.11.24 Crores and odd towards enhanced compensation by way of Demand Draft. This amount is stated to be the amount in tune with the judgment of reference court. Finding no merit in the review applications, the amount deposited as stated by the review applicant is recorded. Since the landowners are yet to file execution petitions, it is open to the landowners to file their execution petitions for withdrawal of the amount in proportion to their entitlement as per the judgment and decree of the reference Court. Be that as it may, the learned counsel for the respondents / claimants pointed out that there are discrepancies in the name of the landowners in the review applications. Even if there is any discrepancy, it is open to the claimants to

file execution petitions showing the name of the claimants as given in the award or if necessary, to file petitions for amendment. No costs.

[S.S.S.R., J.] [N.M., J.]
28.03.2024

Index : Yes / No
Internet : Yes / No
Jvm

S.S.SUNDAR. J
and
N.MALA, J.

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