



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P. DHANABAL**

**C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022**

**and**

**C.M.P.No.20760, 20789, 20790, 20792, 20794, 20796,  
20798, 20799, 20801, 20802 & 20804 of 2022**

**C.R.P.(NPD)No.3970 of 2022 :**

The Land Acquisition Officer and  
the District Revenue Officer,  
Kancheepuram

... Petitioner/Referring Officer

vs.

1.Varun Sivaraj

... Respondent/Claimant

2.The Divisional Engineer (Highways),  
Construction & Maintenance,  
Chengalpet

... Respondent/Beneficiary

**Prayer** : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree in L.A.O.P.No.24 of 2017, dated 25.04.2017, on the file of the learned Additional Subordinate Judge at Chengalpattu.



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

For Petitioner : Mr.C.Sathish  
(in all CRPs) Government Advocate

For R1 : Mr.A.R.Nixon  
(in all CRPs)

### **COMMON ORDER**

These Civil Revision Petitions have been preferred by the Land Acquisition Officer and the District Revenue Officer of Kancheepuram District as against the orders passed in L.A.O.P.No.24 of 2017 & batch cases.

2. The respondents in the respective Civil Revision Petitions have filed the respective LAOP petitions for enhancement of compensation and the same was allowed by the learned Additional Subordinate Judge at Chengalpattu.

3. Aggrieved by the said orders, the present revisions have been preferred by the respondents therein.

#### **Short facts necessary to dispose of these revision petitions are as follows :**

4. The petitioners herein acquired lands for an extent of 45,382 Sq.meters situated at Kazhipattur Village, Thiruporur Taluk, Kancheepuram



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

District. The respondents are the owners of the lands which were acquired by the petitioners. The above said lands were acquired for the purpose of formation of I.T. Corridor Expressway (i.e.,) to widen the existing old Mahabalipuram Road into six lanes. Thereafter, the petitioners conducted a full enquiry and passed an award for 45,382 Sq.meters and by fixing the amount at Rs.7,944/- per Sq.meter for the land value and also fixed the separate values for the buildings and trees available in the lands. The petitioners arrived at the value only after considering the land value from and out of 484 Data Sales statistics collected by the Land Acquisition Officer.

5. As against the said compensation and fixation of the land value, the respondents have preferred petitions before the Additional Sub Court at Chengalpattu and the learned Additional Subordinate Judge enhanced the amount from Rs.7,944/- per Sq.meter to Rs.31,271/- per Sq.meter.

6. According to the petitioners, the trial Court relied upon the document which is far away from the acquired lands and fixed the value based on that document, whereas, the Land Acquisition Officer has examined 484 sale deeds and fixed the value properly. But the trial Court failed to consider the same and



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

enhanced the compensation without any basis. Therefore, the order passed by the trial Court is liable to be set aside.

7. According to the respondents, they are the owners of the respective lands acquired by the petitioners in Kazhipattur Village, Thiruporur Taluk, Kancheepuram District. The Government notified the acquisition of lands under notice, dated 08.09.2010, and instructed the claimants to surrender the possession and they made a representation before the Collector that the market value of the properties in Kazhipattur Village is more than Rs.10,00,000/- per cent and therefore, the lands have to be assessed on that basis. The properties acquired by the Government is nearby OMR Road and it is situated in commercial zone. The authorities did not consider the sale deeds which were produced by the claimants along with the representation and fixed very low compensation. Therefore, the compensation has to be fixed at Rs.10,00,000/- per cent.

8. Before the trial Court, all the LAOPs have been tried jointly, and C.W.1 was examined and Ex.C1 was marked. On the side of the officials, R.W.1 was examined.



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

9. The trial Court after hearing both the sides, and based on Ex.C1/sale deed enhanced the compensation value from Rs.7,944/- per Sq.meter to Rs.31,271/- per Sq.meter with 30 % solatium along with the interest.

10. The learned Government Pleader appearing on behalf of the petitioners would contend that the lands in Kazhipattur Village were acquired for the purpose of formation of I.T. Corridor Expressway, and the petitioner has fixed the land value after considering the value of the properties from the year 2003 till the year 2008 and analyzing the 484 sale deeds and thereafter, fixed the value at Rs.7,944/- per Sq.meter and also passed an award. But the trial Court without considering the same, enhanced the compensation from Rs.7,944/- per Sq.meter to Rs.31,271/- per Sq.meter based on the document filed by the respondents which is not related to the acquired lands. The document relied by the trial Court is far away from the place of acquired lands and those lands were situated at Egattur Village. The Land Acquisition Officer has fixed the value based on the sale deeds for very proximate to the acquired place but the document under Ex.C1 which was relied on by the trial Court is far away from the place of acquired lands. Therefore, the order passed by the trial Court is liable to be set aside.



WEB COPY

11. The learned counsel appearing on behalf of the respondents would contend that the lands acquired by the petitioners are situated near to OMR Road, and the market value of the properties would come to around Rs.10,00,000/- per cent. The petitioner, without any basis, fixed the value at Rs.738 per Sq.ft. and Rs.7,944/- per Sq.meter. The respondents have produced the document under Ex.C1 before the trial Court which is near to the place for the acquired lands where the sale value was fixed to Rs.12,66,667/- per cent. Though the said land is situated in Egattur Village, the acquired lands and the Egattur Village are comes under the same Panchayat and the Egattur Village is very proximate to the acquired lands. Therefore, the trial Court has fixed the value based on the above said document.

11.1. The petitioners have not stated as to how they arrived at the value and how they selected the particular document for fixing the value. Therefore, the trial Court has passed a reasoned order. Moreover, already one of the claimants, whose properties were also acquired by the petitioners, has filed a revision as against the price fixed by the trial Court for a sum of Rs.31,271/- per Sq.meter and for an enhancement of amount. The said revision petition was



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

dismissed by this Court by confirming the fixation of the amount for a sum of Rs.31,271/- per Sq.meter and there is no appeal was filed by the petitioners as against the fixation of value at Rs.31,271/- per Sq.meter in C.R.P.No.1215 of 2021. Therefore, the said order is binding on the petitioners but now they preferred this petition only as against these claimants. Therefore, the order passed by the trial Court is in order and the present Civil Revision Petitions are liable to be dismissed.

12. This Court heard both the sides and perused the records available.

13. In this case, there is no dispute that the respondents are the owners of the property which were acquired by the petitioners for widening the road in the Kazhipattur Village. The petitioners have fixed the compensation at a sum of Rs.7,944/- per Sq.meter based on the documents. According to them, they analyzed 484 documents from the year 2003 to 2008 and they fixed the value. To that effect, the petitioners also passed an award. The respondents have challenged that order and filed the petitions before the Trial Court for enhancement of compensation and the trial Court also enhanced the same from Rs.7,944/- per Sq.meter to Rs.31,271/- per Sq.meter.



WEB COPY

14. Before the trial Court, one of the claimants was examined as C.W.1 and marked Ex.C1. As per Ex.C1, the property value was fixed at Rs.12,66,667/- per cent. The said property situated at Egattur Village. According to the petitioners, that document is no way relevant to these properties. These properties are situated in Kazhipattur Village and that property is situated at Egattur Village. However, the respondents brought to the knowledge of this Court that Egattur Village and Kazhipattur Village are coming under the same Panchayat and the said properties are very proximate to the acquired properties and thereby, the trial Court has taken the value based on Ex.C1 document.

15. This Court has carefully perused the order passed by the trial Court. The trial Court in the order observed that there is no reference in the award passed by the authorities as to how they fixed the value at Rs.7,944/- per Sq.meter and there is no other findings in respect of arriving for that amount of valuation. Further, the trial Court has relied upon the document under Ex.C1 stating that it is very near to the place of acquired lands. Moreover, challenging the fixation of amount at Rs.31,271/- per Sq.meter, a revision petition was filed



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

in C.R.P.No.1215 of 2021 for an enhancement of compensation where the petitioners were arrayed as respondents and the said revision petition was dismissed by confirming the value fixed by the trial Court at Rs.31,271 per Sq.meter. These petitioners, being the respondents in the said LAOP.No.6 of 2015, have not challenged the order of the trial Court as against the fixation of value at Rs.31,271/- per Sq.meter and C.R.P.No.1215 of 2021 filed for enhancement of award was also dismissed. Therefore, the award passed by the trial Court attained finality in respect of the fixation of amount at Rs.31,271/- per Sq.meter. But the said property also situated in Kazhipattur Village in S.F.No.242/1B. These petitions are also pertaining to the same village and very near to the said acquired lands. Therefore, it is not appropriate to modify the value of the property when this Court already confirmed the value of the property at Rs.31,271/- per Sq.meter, in the earlier C.R.P.No.1215 of 2021.

16. At this juncture, it is relevant to refer the judgment relied upon by the respondents in ***Civil Appeal Nos.4295 to 4297 of 2007***, wherein, the Hon'ble Supreme Court has held in Paragraph No.13 is as follows :

*“ 13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to*



WEB COPY



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

*discriminate between the land owners unless there are strong reasons. In Union of India vs. Bal Ram and Another (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India vs. Harinder Pal Singh and Others (2005) 12 SCC 564, where this Court held as under :-*

*'15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired lands was fixed at a uniform rate of Rs.40,000 per acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.*

*16. In our view, in the absence of any contemporaneous document, the market value of the acquired lands of Village Kala Ghanu Pur*



WEB COPY



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

*which were acquired at the same time as the lands in the other five villages was correctly taken to be a comparative unit for determination of the market value of the lands comprising the lands forming the subject-matter of the acquisition proceedings under consideration.....”*

17. On careful perusal of the above judgment, it is clear that when the lands are more or less situated adjacent to the villages, and the acquired lands are identical and similar, and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In the case on hand also, the acquired lands in Kazhipattur Village in S.F.No.242/1B, the value was confirmed by this Court as Rs.31,271/- per Sq.meter in an order, dated 03.03.2023, in C.R.P.No.1215 of 2021 and the same was not challenged. Therefore, these petitioners' lands were also acquired in the same village for the same purpose and thereby, they are also entitled to the same value of compensation.

18. In view of the above said discussions, this Court is of that opinion that these Civil Revision Petitions have no merits and they are liable to be dismissed.



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

WEB COPY

19. In the result, these Civil Revision Petitions in C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022 are dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

**12.07.2024**

mkn2

Index :Yes/No

Internet : Yes/No

Neutral Citation :Yes/No

To

The learned Additional Subordinate Judge,  
Chengalpattu



WEB COPY



C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022

**P. DHANABAL, J.**

mkn2

C.R.P.(NPD)Nos.3970, 3994 to 4003 of 2022  
and

C.M.P.No.20760, 20789, 20790, 20792,  
20794, 20796, 20798, 20799, 20801, 20802 & 20804 of 2022

**12.07.2024**