



AS. Nos. 241, 244, 246, 250 & 252 of 2023

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CMP Nos. 9872, 9906, 9814, 9853 and 9972 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

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

AS. Nos. 241, 244, 246, 250 & 252 of 2023

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CMP Nos. 9872, 9906, 9814, 9853 and 9972 of 2023

The Special Tahsildar
Land Acquisition Officer,
Tirupattur.

...Appellant in all appeals.

Vs.

Jeyabal

...Respondent in As No. 241 of 2023.

Babu Rao

...Respondent in As No. 250 of 2023.

DevendraRao

...Respondent in As No. 246 of 2023.

Perumal

...Respondent in As No. 244 of 2023.

Subramani

...Respondent in As No. 252 of 2023.

PRAYER in As No. 241 of 2023 : This first appeal is filed under section 54 of land acquisition Act, praying to set aside the judgment and decree in LAOP No. 682 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

PRAYER in As No. 250 of 2023 : This first appeal is filed under section 54 of land acquisition Act, praying to set aside the judgment and decree in



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LAOP No. 574 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

PRAYER in As No. 246 of 2023 : This first appeal is filed under section 54 of land acquisition Act, praying to set aside the judgment and decree in LAOP No. 576 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

PRAYER in As No. 244 of 2023 : This first appeal is filed under section 54 of land acquisition Act, praying to set aside the judgment and decree in LAOP No. 843 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

PRAYER in As No. 252 of 2023 : This first appeal is filed under section 54 of land acquisition Act, praying to set aside the judgment and decree in LAOP No. 873 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

For Appellants in all petitions : Mr.T.Chandrasekar,
Special Government Pleader

For Respondents in all petitions: Mr.D.Balachandar

JUDGMENT

These appeals have been filed to set aside the judgment and decree in LAOP Nos. 574, 576, 682, 843 873 of 2013 dated 22.09.2017 on the file of the Special Subordinate Court, Vellore.

2. The present batch of appeals preferred by the Special Tahsildar,



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Land Acquisition Officer, Tirupattur, against the Judgement dated 22.09.2017 passed by the Special Subordinate Court, Vellore,(herein after referred as " the Reference Court").

3. The Government of Tamil Nadu has issued order for the formation for canals across the Andiappanur Odai in Andiappanur Village, Vaniyambadi Taluk, Vellore District for the improvement of agricultural production etc. After following the due procedure the Government acquired the land and the Land Acquisition officer fixed a compensation at Rs.8/- per square feet. Challenging the same, the land owners/claimants filed LAOPs before the Reference Court, which awarded compensation at Rs.50/- per Sq.ft. to the respondents/claimants/land owners, without deducting any amount towards development charges. Aggrieved over the same, The Special Tahsildar, Land Acquisition Officer, Tirupattur, filed this appeal.

4. The points to be decided is whether the Reference Court is legally correct in enhancing compensation to Rs.50/- per sq.ft. to the respondents/claimants/land owners, without deducting any amount towards development charges.

5. Heard both sides.



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6. The issue involved in the present has been already decided by this Court in the case The Special Tahsildar, Land Acquisition officer, Tiruppatur vs. Govindan, which fact is also fairly conceded by the learned counsel on either side.

5. In order to avoid verbosity and prolixity in this judgment, the relevant passage of the said judgment rendered by this Court in the case of The Special Tahsildar, Land Acquisition officer, Tiruppatur vs. Govindan, are extracted below:

“16.The Reference Court, taking note of the value fixed by the Land Acquisition Officer in the aforesaid awards and also considering the evidence and materials adduced on the side of the respondents/ claimants, has taken Ex.C2 as exemplar and determined the market value for the lands acquired at Rs.38/- per sq.ft., and also calculated the average increase of price per year at 15% and ultimately, enhanced the compensation payable to the respondents / claimants at Rs.50/- per sq.ft.

17.It is vehemently contended by the learned Special Government Pleader (AS) appearing for the appellant that only after considering the relevant data sales statistics collected by the Land Acquisition Officer, the value was fixed for the lands acquired, whereas the Reference Court has enhanced the same exorbitantly, relying on the sale deed pertaining to small extent of land, that too, house site. It is also contended that the land covered in Ex.C2 sale deed relied on by the Reference Court is far away from the acquired lands as well as the data sale deed taken by the Land Acquisition Officer. Further, an argument was made by the learned Special Government Pleader (AS) that in similar sets of appeals arising out of the very same acquisition proceedings, the learned Single Judge as well as the Division Bench of this Court confirmed the compensation payable to the respondents / claimants therein at Rs.8/- per square feet. Thus, he prayed to reduce the compensation determined by



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the Reference Court.

18.The contentions so made on the side of the appellant was resisted by the learned counsel for the respondents / claimants, stating that the data sale deed taken by the Government has no access to road, but the acquired lands have got access to road and have high potential value as house sites and abutting the road leading from Tirupattur to Alangayam Highways Road and to Jawadhu Hills; and the Andiyappanur Village is the main village located between Tirupattur to Alangayam Main Road and it has a Higher Secondary School, Government Hospitals, Nationalised Banks, Co-operative Bank and Societies, Telephone Exchange, Veterinary Hospital and having frequent transport facilities for every ten minutes. Pointing out the findings rendered by the Reference Court, she submitted that the compensation of Rs.50/- per sq.ft. was fixed, based on the above factors as well as the soil quality and hence, the same requires no interference by this Court.

19.It appears from the impugned judgments passed by the Reference Court that the respondents / claimants have produced the oral and documentary evidence to support their claim to some extent, whereas no concrete evidence was adduced on the side of the Land Acquisition Officer to fix the compensation at the lower rate. However, the Reference Court has enhanced the compensation to Rs.50/- per square feet, despite the fact that the test documents placed before the same had been ranging from Rs.31/- to Rs.38/- per sq.ft. Further, the arguments made by the learned Special Government Pleader (AS) appearing for the appellant, more particularly, referring to the judgments passed by this Court in similar sets of appeal suits relating to the very same acquisition proceedings, with regard to determination of Rs.8/- per sq.ft. towards compensation payable to the respondents/ claimants therein, do not inspire the confidence of this Court, as there was dissimilarity in regard to locality, shape, site and nature of the lands acquired with that of the land covered by the test documents, apart from quality, measurements and potentiality of the lands and soil. That apart, the said judgments were passed by the learned Single Judge and Division Bench of this Court in the years 2010 and 2015 respectively. The same contentions were raised before the Reference Court, which has not considered the same and has enhanced the compensation to Rs.50/- per sq.ft., which in the opinion of this Court, is definitely on the higher side.

21.After having analysed the materials produced in the light of the aforesaid proposition of law and also considering the entire facts



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and circumstances of the case, more particularly, that the lands in question were acquired in the year 2000 and the matter has been dragged on, one way or the other and till now, the respondents / claimants have not received any compensation and that, as per the test documents marked on the side of the respondents/claimants, the lands therein were sold in the range of Rs.31/- to Rs.38/-, this Court is of the considered view that interest of justice would be subserved, if compensation payable to the respondents / claimants is determined at the rate of Rs.32/- per square feet. Accordingly, the impugned judgments are liable to be modified.

26. In the case on hand, the lands in question were acquired for the purpose of formation of reservoir and canals across Andiyappanur Odai in Andiyappanur Village, Vaniyambadi Taluk, Vellore District. The appellant has not adduced any evidence before the Reference Court regarding the proposed development. Even though the learned Special Government Pleader (AS) appearing for the appellant submitted that some amount has to be deducted towards development charges, he is unable to produce any material to show that the development activities are carried on in those lands. Therefore, in the absence of any material as regards the development work and taking note of the fact that the lands in question were acquired only for formation of reservoir and canals and also in the light of the aforesaid legal position, the question of deduction towards development charges would not arise herein. In this aspect, the impugned judgments passed by the Reference Court warrant no interference by this Court.

27. There is no grievance raised by the appellant, with reference to other benefits, such as solatium at 30%, Rs.2,000/- per coconut tree, additional amount at 12% p.a. from the date of 4(1) notification till the date of possession, etc., granted to the respondents / claimants by the Reference Court and hence, the same are confirmed as such. 28. The compensation payable to the respondents / claimants is reduced from Rs.50/- to Rs.32/- per square feet, without any deduction towards development charges. The impugned judgments dated 21.12.2015 and 12.10.2015 are modified to that extent. All other benefits granted by the Reference Court, will remain unaltered. Since a period of 20 years have already been elapsed, the appellant is directed to pay the amounts of compensation now refixed by this Court, to the respondents/claimants, within a period of eight weeks from the date of receipt of a copy of this judgment.

29. All the Appeal Suits are partly allowed. No costs. Consequently,



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the connected miscellaneous petitions are closed. Though this Court passed the common judgment, the learned Special Government Pleader (AS) appearing for the appellant is entitled to separate fee for each case.”

8. Considering the fact that the land acquisition proceedings, land acquired and sale deeds relied on by the land acquisition officer and the Reference Court are one and same in **Govindan** (supra) as well in the present batches of appeal suits. Hence, this court is inclined to partly allowed the instant appeal suits also, in the same lines.

9. Accordingly, the present appeals are partly allowed by modifying the judgments impugned herein to the effect that the compensation payable to the respondents/claimants is reduced from Rs. 50/- sq.ft. to Rs.32/- per sq.ft, without any deduction to development charges. Except the said modification, all other reliefs granted to the respondents/claimants by the Reference Court, will remain unaltered. Since, a period of 24 years has already elapsed, the appellant/Special Tahsildar, Land Acquisition Officer, Tirupattur, is directed to pay the amounts of compensation as fixed by this Court, to the respondents/claimants, within a period of six weeks from the date of receipt of a copy of this judgment. No costs. Consequently,



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connected miscellaneous petitions are closed.

10. In result, these appeals are partly allowed. No cost.
Consequentially connected miscellaneous petition is closed.

27.08.2024

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T.V.THAMILSELVI,J.



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To

1. The XV Additional City Civil Court, Chennai.
2. The Section Officer,
V.R Section.

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