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A.S.(MD)No.110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**A.S.(MD)No.110 of 2023**  
**and**  
**C.M.P.(MD)No.6885 of 2023**

1.Jeganathan  
2.Seenivasan

...Appellants

--Vs--

Special Tahsildar (Land Acquisition),  
Aanaikuttam Reservoir Scheme,  
Virudhunagar.

...Respondent

**PRAYER:** This Appeal Suit filed under Section 54 of Land Acquisition Act, against the Judgment and Decree, dated 17.11.2021, made in L.A.O.P.No.15 of 2002, on the file of the Land Acquisition Claims Tribunal / Sub-Court, Sivakasi.

For Appellants : Mr.D.Sakkaravarthi

For Respondent : Mr.P.T.Thiraviyam  
Government Advocate

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**JUDGMENT**

The land owners had preferred L.A.O.P.No.15 of 2002 against the award passed by the Land Acquisition Officer for acquiring their lands. After perusing the documents available, the Land Acquisition Tribunal has fixed Rs.



*A.S.(MD)No.110 of 2023*

8,76,453/- as compensation for acquiring 20.15 acres of land. Aggrieved over the same, the Government had preferred an appeal in A.S.No.2 of 2004. The land owners preferred a cross objection in Cross.Obj.No.8 of 2008.

2. After considering the case, the Hon'ble Court had remanded the case back to the Trial Court for reconsideration. Aggrieved over the same, the claimants preferred a review application in Rev.Appl.(MD)Nos.57 and 58 of 2011. After hearing the cases, the Hon'ble Court dismissed the review applications. Thereafter, based on the remand order, the Trial Court had re-appreciated the evidences and after rehearing the case, the Trial Court had reduced the compensation granted to the claimants. Aggrieved over the same, the present appeal is preferred.

3. The contention of the claimants is that for the Well, the Trial Court had reduced the compensation amount from Rs.1,25,000/- to Rs.55,000/-. However, for pump set and motor, the earlier compensation was confirmed. But the contention of the respondent Government is that there is no Well or pump set available and no evidence was adduced to this effect. The Learned Counsel appearing for the claimants submitted that even if there is no Well, they are entitled to the compensation, since the land is agriculture land and they are



*A.S.(MD)No.110 of 2023*

carrying out agricultural operations. Only after considering these arguments, the Trial Court has reduced the compensation from Rs.1,25,000/- to Rs.55,000/- for Well.

4. After considering the above said argument, this Court is of the considered opinion that the reduction of compensation by the Trial Court is absolutely right. Hence, this Court is confirming the compensation for Well and pump set to the tune of Rs.55,000/- and Rs.35,000/- respectively.

5. The next contention of the claimants is that the Tribunal ought not to have reduced the value of the land from Rs.250/- per cent to Rs.150/- per cent. The Learned Counsel appearing for the respondent submitted that the available land in the present litigation is only 16.05 acres whereas in the earlier round of litigation, the land to the extent of 20.15 acres was taken into consideration.

6. On perusing the judgment, it is seen that the reduction of land available on the ground was taken into account, thereafter only, the Tribunal has fixed the compensation. However, while fixing the same, the Tribunal has reduced the value of compensation from Rs.250/- per cent to Rs.150/- per cent without any evidence. Therefore, this Court is fixing Rs.250/- per cent as



compensation and 30% of the solatium is confirmed. It is made clear that the claimants are not entitled to any interest for the period from 17.11.2021 to 27.02.2023.

7. The modified compensation granted by this Court is as under:

| Sl. No. | Head                            | Compensation granted by this Court                |
|---------|---------------------------------|---------------------------------------------------|
| 1.      | Land 1.10 Acre                  | Rs.55,000/-                                       |
| 2.      | Well in the Land                | Rs.55,000/-                                       |
| 3.      | Pump set, Motor Room, Pipelines | Rs.35,000/-                                       |
| 4.      | Severance for Lands Unfit       | Rs.401,250/-<br>(Rs.250/- per cent * 16.05 acres) |
| 5.      | Solatium @ 30%                  | Rs.1,63,875/-                                     |
|         | Total                           | <b>Rs.7,10,125/-</b>                              |

a) The additional compensation @ 12% on the market value shall be fixed as per law.

b) The interest shall be fixed @ 9% per annum on the excess compensation from 10.03.1987 which is the date of taking over possession up to 09.03.1988

c) The interest shall be fixed @ 15% per annum on the excess compensation or on the unpaid part of it from the date of expiry of one year.

d) It is made clear that the claimants are not entitled to any interest for the period from 17.11.2021 to 27.02.2023.



*A.S.(MD)No.110 of 2023*

8. With the above said observations, the appeal suit is partly allowed.

No costs. Consequently, connected miscellaneous petition is closed.

**18.07.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes

Tmg

To:

1.The Land Acquisition Claims Tribunal/Sub-Court,  
Sivakasi.

2.Special Tahsildar (Land Acquisition),  
Aanaikuttam Reservoir Scheme,  
Virudhunagar.

3. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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*A.S.(MD)No.110 of 2023*

**S.SRIMATHY, J.,**

Tmg

**A.S.(MD)No.110 of 2023**

**18.07.2024**