



A.S.(MD)No.58 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

A.S.(MD)No.58 of 2024
and
C.M.P.(MD)No.3893 of 2024

The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar.

...Appellant

/Vs./

1.S.Seeniammal (died)
2.S.Dhamodharasamy
3.S.Radha
4.S.Saradha
5.S.Raghuram
6.S.Kumutha
7.V.Geetha
8.S.Haribaskar

...Respondents

PRAYER:- Appeal - filed under Section 54 of the Land Acquisition Act,
to set aside the judgment and decree dated 04.11.2016 made in LAOP
No.10 of 2011 on the file of the Sub Court, Aruppukottai.



A.S.(MD)No.58 of 2024

For Appellant : Mr.M.Prakash
Special Government Pleader
For Respondents : Mr.D.Sakkaravarthi (R2-R4, R6&R7)
R1 – Died

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

The present appeal has been filed by the Revenue Divisional Officer, Aruppukottai, Virudhunagar, against the judgment and decree dated 04.11.2016 made in LAOP No.10 of 2011 on the file of the Sub Court, Aruppukottai, which was filed by the deceased first respondent seeking enhancement of the amount fixed for acquisition of the land and also for consequential benefits.

2. The case of the deceased first respondent herein, who is the petitioner before the tribunal is that the subject land which was in possession of the deceased first respondent herein was acquired by the appellant herein fixing the compensation amount of Rs.51,690/- per 2/10



A.S.(MD)No.58 of 2024

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hectare for building a new kanmoi. The compensation amount fixed was lesser than the market rate. The appellant has erroneously fixed the compensation amount holding the land as maanaavari land. Originally, the land comes within the jurisdiction of the Municipality. There are so many buildings such as panchayat union office, railway station and RTO office, hospitals, etc. near the subject land and therefore, the value of the land is much higher than the compensation awarded. Further, the nearby lands have been sold at the higher price only and the value of the land is increasing day by day. The appellant herein has failed to consider the same. Hence, she seeks for enhancement of the amount to a sum of Rs. 25,000/- per cent and for consequential benefits by way of filing LAOP petition before the tribunal.

3. The learned tribunal, after considering documentary evidence adduced enhanced the compensation amount to Rs.3,500/- per cent and directed the appellant herein to pay the compensation amount fixing the sum of Rs.3,500/- per cent along with 12% additional compensation and 30% towards consolation amount along with 9%



A.S.(MD)No.58 of 2024

interest for a period of one year and beyond over the said period, 15% interest. Challenging the same, the appellant is before this Court.

4. The learned Additional Government Pleader appearing for the appellant submits that the learned Tribunal Judge awarded a sum of Rs.3,500/- without any material and the documents relied upon by the learned Tribunal Judge are not admissible in law. Hence, he seeks for interference of this Court with the order of the learned tribunal Judge.

5. Per contra, the learned counsel appearing for the claimants submitted that proper documents were adduced before the tribunal and the same were admissible in accordance with law. Hence, the learned Tribunal judge has correctly fixed the amount and hence, he seeks for dismissal of the appeal suit. He also relied upon the judgment of this Court dealing with the similar issue in AS(MD)No.124 to 131 of 2022, dated 27.03.2023.



A.S.(MD)No.58 of 2024

WEB COPY

6. Heard the rival submissions made on either side and perused the materials placed before this Court.

7. The deceased first respondent herein filed a petition before the appellant herein seeking compensation for the acquired land, which was in possession of the deceased first respondent. The appellant herein erroneously holding the land as maanavari land fixed the value, which according to the deceased first respondent is lesser than the market value. Hence, he filed LAOP before the Sub Court, Aruppukottai seeking enhancement of compensation.

8. The learned Sub Court, Aruppukottai, enhanced the compensation amount to Rs.3,500/- per cent and directed the appellant herein to pay the compensation amount fixing the sum of Rs.3,500/- per cent along with 12% additional compensation and 30% towards consolation amount along with 9% interest for a period of one year and beyond over the said period, 15% interest. Challenging the same, the appellant is before this Court.



A.S.(MD)No.58 of 2024

WEB COPY

9. In the light of the submissions made on either side, now the points for consideration in this appeal are (i) whether the Tribunal has exceeded its jurisdiction in fixing the enhanced compensation? And (ii) Whether the Tribunal has fixed the enhanced compensation without any evidence on record?

10. On a similar occasion, this Court confirmed the order of the learned Subordinate Judge, Aruppukkottai, passed in LAOP No.17 of 2011, in AS(MD)No.124 to 131 of 2022 on 27.03.2023, in which the land was acquired for the purpose of formation of irrigation tank and the claimants therein claimed enhanced compensation mainly on the ground that the acquired lands are situated near Aruppukkottai – Virudhunagar State Highways and within the municipal limit. The Land Acquisition Tribunal therein enhanced the compensation at the rate of Rs.3,500/- per cent. Challenging the same, the Revenue Divisional Officer therein filed the appeals.



A.S.(MD)No.58 of 2024

WEB COPY

11. The learned Single Judge of this Court in AS(MD)No.124 to 131 of 2022 on 27.03.2023, held that the evidence adduced clearly established that the acquired land is situated near the State Highways and that there are several development taken place in nearby places and that it is within the jurisdiction of the Municipality. It is also held that the tribunal only after considering all the documents, enhanced the compensation and hence, fixing the compensation based on the documentary evidence and also the developments taken place cannot be said to be abnormal and excessive. Hence, the appeal suits in AS(MD)No.124 to 131 of 2022 are dismissed on 27.03.2023 by confirming the order of the tribunal.

12. The facts narrated in the aforesaid case is squarely applicable in the case on hand. The tribunal has not exceeded its jurisdiction in fixing the enhanced compensation and has fixed the enhanced compensation only based on the evidence available on record and hence, the claimants herein are also entitled to the enhanced compensation fixed by the tribunal.



A.S.(MD)No.58 of 2024

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13. In view of the aforesaid observations and also relying upon the order passed by this Court on a similar occasion in AS(MD)No.124 to 131 of 2022 on 27.03.2023, this appeal suit is dismissed by confirming the judgment and decree dated 04.11.2016 made in LAOP No.10 of 2011 on the file of the Sub Court, Aruppukottai.

14. At this stage, the learned Additional Government Pleader appearing for the appellant submits that the entire amount has been deposited by the appellant and therefore, the claimants are permitted to withdraw the same by following the due procedure contemplated under law. No costs. Consequently, connected miscellaneous petition is closed.

(V.B.S.J.) & (K.K.R.K.J.)
18.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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A.S.(MD)No.58 of 2024

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TO:-

- 1.The Sub Court, Aruppukottai.
- 2.Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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A.S.(MD)No.58 of 2024

V.BHAVANI SUBBAROYAN, J.
and
K.K. RAMAKRISHNAN, J.

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Judgment made in
A.S.(MD)No.58 of 2024

Dated:
18.03.2024