



A.S.(MD) No.297 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

A.S.(MD) No.297 of 2023

and

C.M.P.(MD) No.16250 of 2023

Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram.

... Appellant/
Referring Officer

Vs.

S.K.A.Ramzan Beevi,
Through her Power Agent,
A.R.Dhulkeep Khan.

... Respondent/Claimant

Prayer: Appeal filed under Section 54 of the Land Acquisition Act challenging the fair and decretal order dated 05.01.2022 passed in L.A.O.P.No.14 of 2021 on the file of the Subordinate Court (Land Acquisition), Ramanthapuram.



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For Appellant : Mr.A.Baskaran
Additional Government Pleader

For Respondent : Mr.V.Meenakshi Sundaram

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is directed against the award passed by the learned Sub-Judge, Ramanathapuram, in L.A.O.P.No.14 of 2021 by which the learned Sub-Judge has enhanced the compensation payable for the land acquired under the provisions of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as “the Act” for brevity).

2. The brief facts necessary for the current purpose are that:

- (a) The respondent herein has purchased a property measuring 48.17 cents comprised in S.No.453/1A3B. This land was notified *vide* G.O.(Ms) No.75, Highways and Minor Ports (HF.2) Department, dated 06.05.2009 for acquisition of lands under Section 15(1) of the Act for laying a by-pass road from Ramanathapuram to Rameswaram.



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Subsequently on 19.10.2009, an award came to be passed in which market value of the acquired land was fixed at the rate of Rs.12,601/- per cent in favour of the vendors of the respondent. Subsequently, on 30.10.2009, the Land Acquisition Authority passed a rectification award correcting the name of the owner of the land and passed an award in favour of the respondent, *vide* its proceedings dated 30.10.2009.

(b) Aggrieved by the perceived inadequacy of the compensation paid to her, the respondent approached the Sub-Court, Ramanathapuram with L.A.O.P.No.14 of 2021. To substantiate her claim, the respondent produced Ext.P.1 to Ext.P.3 sale deeds and also village toposketch (Ext.P.4). This was resisted by the appellant herein, who continued to place reliance on the data sale deed which the Land Acquisition Authority had earlier relied on.

(c) The learned Sub-Judge chose to ignore the sale deed, since the said land covered by the sale deed is situated about a kilo metre from the land whose valuation is currently under consideration. On the other hand, it relied on Ext.P.1-sale deed, dated 04.08.2008. This sale deed



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was executed for the same project *vis-a-vis* the property in S.No. 453/1A3A by the owner of the land in favour of the Government, wherein the total consideration was paid by the Government at the rate of Rs.57,000/- per cent. The learned Sub-Judge would now deduct 30% which in ordinary circumstances would be payable as solatium from the abovesaid Rs.57,000/- and further reduced another Rs.4,900/- per cent, since the road frontage of the property acquired was relatively narrower than the property involved in Ext.P.1 and then added Rs. 3,150/- more, since the date of notification was some nine months after Ext.P.1. Accordingly, he fixed Rs.38,150/- per cent as the value for the land. In addition, he also awarded solatium and interest as would be statutorily payable.

This award is now under challenge in this appeal.

3. Heard both sides. The learned Additional Government Pleader submitted that the trial Court ought not to have considered Ext.P.1, since the same is borne of a private negotiation which the Government had held with the vendor under that sale deed and the same cannot be considered for fixing the



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valuation of the property in case where owners of the land do not opt to sell the property. This Court was plainly not impressed with the said submission. Here is the scenario where this Court finds that the property covered under Ext.P.1 is just the adjacent property to the property of the respondent and the trial Court has also meticulously deducted solatium sum payable from this valuation since if the sale consideration as stipulated in Ext.P.1 is taken as the actual value of the land, then the respondent herein would be profiting himself to a further 30%. Therefore, to maintain reasonable fairness *vis-a-vis* the value of the adjacent properties, he had made all the necessary adjustments, and has passed the award enhancing the value of the property of the respondent. After all, what the land owners are entitled to is a fair value of the land. When this Court finds this fairness in the award of the learned Sub-Judge, then there is hardly any need for this Court to interfere with the same.

4. To conclude, this Court finds no merit in this appeal and accordingly, the same is dismissed confirming the award of the learned Sub-Judge, Ramanathapuram in L.A.O.P.No.14 of 2021, dated 05.01.2022. This Court is



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informed that the appellant has not deposited the enhanced portion of compensation till date. The appellant is now required to deposit the same within a period of 12 weeks from the date on which this judgment is hosted in the official website of this Court and report compliance. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
24 .07.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To

The Subordinate Court (Land Acquisition),
Ramanthapuram.



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