



C.R.P(MD).Nos.1700 to 1705 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	20.03.2024
Pronounced On	:	12.07.2024

CORAM:

THE HON'BLE Mr. JUSTICE K.K.RAMAKRISHNAN

C.R.P.(MD).Nos.1700 to 1705 of 2014

and

M.P(MD).Nos.1, 1, 1, 1, 1, 1 of 2014

C.R.P(MD).No.1700 of 2014:

The Special Tahsildar,
Land Acquisition Officer,
Adi-Dravidar Welfare,
Nilakottai Taluk,
Dindigul District.

... Appellant/Respondent

Vs.

S.Arokkiam Servai

... Respondent/Appellant

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the Judgment and decree dated 31.10.2008 in C.M.A.No.10 of 1999 on the file of the Principal Sub Court, Dindigul by allowing Civil Revision Petition.



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C.R.P(MD).No.1701 of 2014:

The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Petitioner/Respondent

Vs.

Perumal

... Respondent/Appellant

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated 31.10.2008 made in C.M.A.No. 5 of 1999 on the file of Principal Sub Court, Dindigul by allowing this Civil Revision Petition.

C.R.P(MD).No.1702 of 2014:

The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Petitioner/Respondent

Vs.

Karuppan

... Respondent/Appellant

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated



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31.10.2008 made in C.M.A.No. 8 of 1999 on the file of Principal Sub Court,
Dindigul by allowing this Civil Revision Petition.

C.R.P(MD).No.1703 of 2014:

The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Petitioner/Respondent

Vs.

Kattabomman

... Respondent/Appellant

Prayer : Civil Revision Petition has been filed under Article 227 of the
Constitution of India, praying to set aside the judgment and decree dated
31.10.2008 made in C.M.A.No. 7 of 1999 on the file of Principal Sub Court,
Dindigul by allowing this Civil Revision Petition.

C.R.P(MD).No.1704 of 2014:

The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Petitioner/Respondent

Vs.

Chinnappan

... Respondent/Appellant



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Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated 31.10.2008 made in C.M.A.No. 6 of 1999 on the file of Principal Sub Court, Dindigul by allowing this Civil Revision Petition.

C.R.P(MD).No.1705 of 2014:

The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai,
Dindigul District.

... Petitioner/Respondent

Vs.

Maruthai

... Respondent/Appellant

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India, praying to set aside the judgment and decree dated 31.10.2008 made in C.M.A.No. 9 of 1999 on the file of Principal Sub Court, Dindigul by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Baskaran, AAG-VI,
assist by Mr.A.K.Manikkam,
Special Government Pleader
(in all cases)



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For Respondent : Mr.A.Saravanan
in C.R.P(MD).No.1704/2014

: No appearance
in C.R.P.(MD).Nos. 1700, 1701, 1702,
1703, 1705 of 2014

COMMON ORDER

The Special Tahsildar (Land Acquisition), filed these revision petitions against the judgment and decree dated 31.10.2008 made in C.M.A.Nos.5 to 10 of 1999 on the file of Principal Sub Court, Dindigul.

2.The appellant, in order to provide house sites to the Adi Dravidar community people proposed to acquire the land situated in S.Nos.84/11c, 84/12, 84/11d, 84/11b, 84/10, 84/11a, 81/3, situated in Jambaduraikottai, Kamalapuram Village, Dindigul District. The respondents are the land owners of various extent. A notification was issued under Section 4(2) of Act 31 of 1978, dated 15.06.1998. Following the same, on 24.11.1998 notices were issued under Section 5(1) of Act 31 of 1978 and thereafter, they passed an award on 25.11.1998. In the award, they fixed the compensation for the respondents' land belonging to 107 families at the rate



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of Rs.26,000/- per acre. Aggrieved over that inadequate compensation was fixed by the land acquisition officer, the respondents/land owners filed C.M.A.Nos.5 to 10 of 1999 before the learned Principal Sub Court, Dindigul. During the trial, the learned trial judge had enhanced the compensation to Rs.2,000/- per square foot, vide the impugned fair and decreetal order passed in C.M.A.Nos.5 to 10 of 1999, on the basis of the LAOP award passed for the lands in the same locality relating to the acquisition made by the same officer in LAOP No.3/98-99 dated 25.11.1998. Aggrieved over the same, the Government filed these revisions.

3.Mr.R.Baskaran, learned Additional Advocate General with assistance of Mr.A.K.Manikkam, learned Special Government Pleader would submit that the learned trial judge had recorded a finding that as per the case of the claimants, the potential value had increased is not acceptable and had erred in granting enhanced compensation on the basis of the earlier acquisition proceedings without accepting the documents relied by the land acquisition authority. The learned Additional Advocate General would further submit that as per the Special Act namely Act 31 of 1978, the land



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acquisition officer correctly taken the document dated 06.06.1998 to fix the compensation per cent. In the said circumstances, the documents relied by the claimant relating to the S.Nos.84/11c, 84/12, 84/11d, 84/11b, 84/10, 84/11a, 81/3, are not relied by the authorities on the basis of the award passed for the lands in the same locality. The award of enhancement is not legally acceptable. Further, the learned Additional Advocate General would submit that in the said award, there was a consideration that the land was acquired as the subject land was in the locality near the highways and had potential value. The learned trial judge has not accepted the case of the potentiality of the land, but erroneously had placed reliance Ex.P.1 and Ex.P.2 and hence, he seeks to allow these revisions.

4.The learned counsel appearing for the claimant/land owners would submit that even though there is an erroneous finding, they are entitled to challenge the finding as per Order 41 Rule 33 of the C.P.C. The learned trial judge considered the acquisition proceedings initiated in the same locality and ought to have fixed the value of Rs.2,000/-. No contra documents were filed by the petitioner. More particularly, original acquisition authority before passing the order had not considered the same. In such



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circumstances, the order passed by the learned trial judge is in accordance with law and he has correctly relied the document and award passed for the lands of the same village nearby S.Nos.84/11c, 84/12, 84/11d, 84/11b, 84/10, 84/11a, 81/3. Hence, he seeks for dismissal of these revisions.

5.This Court Considered the rival submission made on either side and also perused the record and the impugned judgments.

6.The only question arises in this civil revision petition is whether the Court below is correct in granting compensation of Rs.2000/- per cent for the acquired land of respondents?

7.From the record, it is seen that there is no dispute that the acquired land is situated in the Jambaduraikottai village in S.Nos.84/11c, 84/12, 84/11d, 84/11b, 84/10, 84/11a, 81/3 and the same was acquired only for the purpose of constructing the house to Adi Dravidar community people. Hence, compensation was calculated as per the Rule 4 of Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, 1979 and the same is extracted hereunder:



“4.Determination of Market Value of the land:

The market value of the land under sub Section (1) of Section 7 shall be determined in one or more of the following methods:

(i)The price for similar land or portion of the same land in recent years after due allowance being made for lapse of time, advantage of situation or any other possible differences between the land sold and that proposed to be acquired.

(ii)The price paid for similar lands in the vicinity in recent years;

(iii)The annual income from the land which may be capitalized for a certain number of years of purchase, the number of years being determined on the nature of the land, the State of the money market and other relevant circumstances;”

8. The above rule specifically requires to consider the price paid for similar lands in the vicinity in recent years. The learned trial Judge correctly appreciated the said rule and placed reliance of the landowners documents dated 23-6-1996 and 23-3-1998(Ex.P1 , P2,).The classification



of the said land was for house sites.

Survey no	Value per cent	Date of sale
87/9	Rs 3024	23-6-1996
87/15	Rs 4320	23-3-1998

The said documents were admitted by the land acquisition officer and the same were marked without objection. This Court considered the said documents and finds that the learned trial judge correctly relied the said document and fixed the award of Rs.2000/- per cent after making deduction for development charge. The learned trial judge also without fixing entire sale consideration mentioned in the land owners documents had fixed a reasonable amount of Rs.2000/- per cent.

9.The land owners also produced Ex.P3. The LAOP was award passed in respect of the lands in the said village relating to the acquisition in the year 1994 in respect of the survey No; 87/1. The Court fixed Rs. 2,400/- per cent. But, the learned judge without any valid reason failed to rely the same for the reason that present acquired land was situated in survey no 87/11. But, evidence is otherwise. All are situated in same locality, therefore, landowners submission to consider the same under order



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41 rule 33 C.P.C., is acceptable. Hence, considering the earlier award and other circumstances namely under Exs.P1 to P.2, the land was sold as house sites, the land was acquired for house site, correctly calculated the value of the land as Rs.2000/- per cent. In the said circumstances, this Court finds no merit in the contention of the learned Additional Advocate General that the amount was unreasonably fixed by the lower Court. Therefore, there is no need to interfere with award passed by judgment and decree dated 31.10.2008 made in C.M.A.Nos.5 to 10 of 1999 on the file of Principal Sub Court, Dindigul.

10.In the result, these civil revision petitions are dismissed confirming the award and decree passed in C.M.A.Nos.5 to 10 of 1999, dated 31.10.2008, by the Principal Sub Court, Dindigul. No costs. Consequently, the miscellaneous petitions are closed.

12.07.2024

NCC : Yes / No
Index : Yes / No
Internet : *Yes / No*
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To
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1. The Learned Principal Sub Judge,
Dindigul.
2. The Special Tahsildar,
(Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakottai, Dindigul District.
3. The Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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Pre-delivery common order made in
C.R.P.(MD).Nos.1700 to 1705 of 2014
and
M.P(MD).Nos.1, 1, 1, 1, 1, 1 of 2014

Dated:12.07.2024