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A.S.No.9 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

A.S.No.9 of 2015

M.O.H.U.Salim

...Appellant

Vs.

1.The Union of India, rep by
The Secretary to Government (Revenue)
Pondicherry.

2. The Deputy Collector (Revenue)-cum-
Land Acquisition Officer
Karaikal.

...Respondents

PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act, 1894 praying to set aside the award of the learned District Judge at Karaikal in LAOP.No.20 of 2012 dated 29.10.2013 in as much as it fixes the compensation for the appellant's land at Rs.10,000 and consequently, enhance the compensation in respect of the appellant's land to Rs.13,500/- per are.

For Appellant

:Ms. G.Lavanya
for M/s.V.Kamala Kumar
Mr.R.Saravanan



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For Respondents : Mr.P.S.Kothandaraman
Govt. Advocate (Puducherry)

J U D G M E N T

This appeal is filed challenging the award passed by the Land Acquisition Tribunal (District Court, Karaikal) fixing the compensation payable to the appellant/claimant's land at Rs.10,000/- per are.

2. It is not in dispute that the land belongs to the appellant in Survey No.175/2/A to an extent of 04H-77A-03Ca at Vanjore revenue village, Karaikal was acquired for the development of port at Karaikal. The notification under Section 4(1) of the Land Acquisition Act, 1894 for acquisition of the land was published in Official Gazette G.O.Ms.No.165 dated 29.12.2005. The notification under Section 4(1) of the Land Acquisition Act, 1894 was published in the Tamil and English dailies on 25.01.2006. Thereafter, an enquiry was conducted by the Land Acquisition Officer/2nd respondent herein and compensation was fixed at Rs.4,891/- per Are. The total compensation payable to the appellant/claimant was fixed at Rs. 31,39,895/-. The appellant/claimant received the said compensation amount under protest and thereafter, sought for enhancement of the compensation by seeking reference under Section 18 of the Land Acquisition Act, 1894.



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3.The appellant/claimant in his claim petition stated that 2nd respondent failed to take into consideration the sale deeds produced by the claimant while fixing the compensation. It was further stated by the claimant that the subject property was developed by him as a prawn culture land by investing huge amount of Rs.21,00,000/-. The said development made by the claimant was not taken into consideration by the 2nd respondent herein while fixing the compensation .

4. The respondents filed their counter and opposed the prayer for enhancement of compensation. According to the respondents, the sale deeds produced by the claimant were in respect of lands abutting ECR and the said advantage is not available to the acquired lands. It was also stated by the respondents that after Tsunami, the prawn farm developed by the claimant was destroyed and he was not doing prawn culture at the time of 4(1) notification. Hence, the respondents sought for dismissal of the claim petition.

5. Before the Tribunal, the appellant was examined as C.W1 and 16 documents were marked on his side as Exhibit C1 to Exhibit C16. On behalf of the Respondents, Deputy Tahsildar was examined as R.W1 and 4 documents were marked as Exhibit R1 to Exhibit R4.



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6. The Tribunal, based on proper appreciation of oral and documentary evidence available on record, was pleased to enhance the compensation amount payable to the appellant at Rs.10,000/- per Are and passed an award.

7. Not satisfied with the quantum of compensation fixed by the Tribunal, the claimant has filed this appeal.

8. The learned counsel for the appellant vehemently contended that the acquired land was developed as prawn culture farm by the claimant by investing huge amount and the said fact was not taken into consideration by the Tribunal. Therefore, according to her, the amount fixed by the Tribunal needs enhancement. The learned counsel further submitted that Exhibits C-8, C-9, and C-10 were not properly taken into consideration by the Tribunal while fixing the compensation amount for the acquired lands.

9. The learned Government Advocate (Puducherry) for the respondents submitted that the prawn farm developed by the claimant was completely destroyed by the 2004 tsunami and at the time of acquisition, the claimant was not carrying prawn culture activity. He further submitted that the Tribunal fixed more amount than the amount mentioned in Exhibits C-8 to C-10 and opposed that the arguments made by the learned counsel for the appellant cannot be accepted.

10. Based on the pleadings of the parties and the submission made by



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the learned counsel on either side, the following point is arising for consideration in this appeal.

“1. Whether the compensation amount fixed by the Tribunal needs enhancement?”

11. It is a specific case of the learned counsel for the appellant that the acquired lands are developed as prawn culture farm and the said fact was not taken into consideration by the 2nd respondent as well as the Tribunal. In support of the said plea, the appellant was examined as C.W-1 before the Tribunal. He was cross-examined with regard to the destruction of infrastructure created by him due to tsunami. He clearly admitted in the cross-examination that he received compensation from the Government for destruction of prawn culture farm. The relevant portion reads as follows:-

சுனாமிக்காக அரசுஇடமிருந்து மீன்துறை மூலமாக
எனது பண்ணை அழிந்ததற்கான நஷ்டஈடுத்தொகையை
பெற்றுள்ளேன் என்றால் அது சரிதான்.

12. From the above said clear admission by the appellant, who was examined as C.W.1, it is clear that he received compensation from the Government for destruction of his prawn culture farm. Hence, the submission



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made by the learned counsel for the appellant that the value of the infrastructure created by him was not taken into consideration by the 2nd respondent cannot be accepted.

13. As far as Exhibits C-8, C-9, and C-10 are concerned, even in the claim statement, the appellant mentioned about the value of the land covered by the said document. A perusal of the same would indicate that the maximum value mentioned in the said document was only Rs.7,095 per Are. However, in the case on hand, the Tribunal awarded a sum of Rs.10,000/- per Are by taking into consideration the submission made by the claimant that he was doing prawn culture in the subject land. Since the Tribunal awarded more compensation amount than the amount mentioned in Exhibits C-8, C-9 and C-10 relied on by the claimant, the value fixed by the Tribunal need not be interfered with.

14. As far as Exhibits C-11 to C-16 are concerned, the Tribunal clearly observed that the properties covered by those documents are abutting Nagore to Karaikal National Highways (ECR). However, the appellant's land is not abutting ECR even as per his admission as C.W1. It is pertinent to note that a suggestion was made to C.W.1 regarding the distance between ECR and his



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acquired land was 2 km. He denied the suggestion and replied that the distance was 200m. Therefore, C.W.1 himself admitted that the subject lands are not abutting ECR. Therefore, exhibits C11 to C16 produced by the claimant are also of no use.

15. In view of the discussions made earlier, this Court finds that the amount of Rs.10,000/- per Are fixed by the tribunal is reasonable one and it requires no interference. The point for determination is answered against the appellant. Accordingly, the first appeal stands dismissed. In the facts and circumstances of the case, there shall be no order as to costs.

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Index : Yes/No
Internet : Yes/No
Neutral Citation Case : Yes/No
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To

1. The learned District Judge, Karaikal.
2. The Secretary to Government (Revenue)
Pondicherry.

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3. The Deputy Collector (Revenue)-cum-
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S.SOUNTHAR, J.

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