IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-02-2025**

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

Appeal Suit Nos.710 to 870, 872 to 883, 889,
891 to 902, 909, 912, 916, 918 of 2024
Appeal Suit Nos.556, 557, 558, 559, 560, 561, 562, 563,
564, 566, 567, 568 of 2023

and

C.M.P.Nos.22834, 22835, 22836, 22837, 22840,
22841, 22842, 22844, 22846, 22847, 22848,
22849, 22851, 22854, 22855, 22857, 22859,
22861, 22862, 22863, 22864, 22865, 22866,
22867, 22868, 22869, 22871, 22872, 22873,
22874, 22875, 22877, 22878, 22879, 22880,
22881, 22883, 22884, 22885, 22887, 22888,
22889, 22891, 22894, 22895, 22896, 22899,
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22956, 22957, 22958, 22959,22962, 22963,
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22984, 22986, 22990, 22993, 22996, 22998,
23000, 23005, 23006, 23007 23008, 23011,
23012, 23014, 23020, 23028, 23029,23031,
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23062, 23063, 23064, 23065, 23067, 23070,
23073, 23077, 23080, 23098, 23204, 23208,
23213, 23219, 23224, 23227, 23228, 23230,
23234, 23236, 23239, 23240, 23244, 23461,
23267, 23466, 23468, 23471, 23474,
23476, 23477, 23480, 23482, 23483, 23485,
23486, 23487, 23826, 24032, 24094 & 24144 of 2024

.....

The Special Tahsildar (LA)
TACID Oragadam Scheme,
Irungattukottai.

..... Appellant in 710 of 2024

-Versus-

1. B.Jayalakshmi

2. The Managing Director
SIPCOT TACID Division,
No.17A, Rukumani Lakshmipathy Salai,
Egmore, Chennai-600 008

..... Respondent(s)

Prayer in A.S.No.710 of 2024: Appeal under 54 of the Land Acquisition Act, 1894, against the order and decree dated 30.09.2021 in L.A.O.P.No.57 of 2008 on the file of the learned Principal Subordinate Judge at Kancheepuram.

For Appellant in A.S.Nos.710, 742, 743, 744, 745, 746, 747, 748, 749, 750, 754, 865, 866, 867, 758, 759, 760, 737, 738, 739, 740, 763, 812 & 912 of 2024	:	*Mrs.R.Anitha, Special Government Pleader*
For Appellant in A.S.Nos.896, 897, 898, 720, 721, 728, 729, 730, 733, 734, 735, 731, 881, 882, 901, 902, 792, 793, 794, 829 and 831 of 2024	:	*Mr.T.Arunkumar, Additional Government Pleader Additional Government Pleader*
For Appellant in A.S.Nos.755, 756, 764, 765, 769, 770, 771, 820, 821, 822, 823, 715, 716, 777, 795, 796, 797, 798, 799, 800, 801 and 802 of 2024	:	*Mr.P.Gurunathan, Additional Government Pleader*
For Appellant in A.S.Nos.803, 804, 810, 815, 816, 817, 818, 819, 832, 836, 837, 868, 869, 870, 872, 875, 876, 722, 723, 724, 725 and 726 of 2024	:	*Mr.C.Sathish, Government Advocate*
For Appellant in A.S.Nos.779, 780, 781, 782, 783, 784, 785, 786,787, 805, 806, 830, 842, 843, 844, 845, 846, 847, 848, 849, 852 and 853 of 2024	:	*Mr.V.Ramesh, Government Advocate*
For Appellant in A.S.Nos.854, 855, 856, 857, 858, 873, 874, 877, 878, 879, 880, 909, 916, 841, 862, 863, 864, 889, 833, 834, 835 and 861 of 2024	:	*Mr.R.Siddarth, Government Advocate*
For Appellant in A.S.Nos.717, 718, 766, 767, 768, 809, 811, 826, 827, 828, 719, 893, 894,	:	*Mr.N.Muthuvel, Government Advocate*

899, 900, 761, 762, 838, 839, 840, 741 and 751 of 2024		
For Appellant in A.S.Nos.752, 753, 711, 774, 775, 776, 788, 789, 790, 791, 813, 814, 859, 860, 757, 732, 736, 807, 808, 824, 825 and 850 of 2024	:	*Mr.J.Daniel, Government Advocate*
For Appellant in A.S.Nos.851, 895, 712, 713, 714, 727, 772, 773, 778, 883, 891, 892, 918 of 2024, 556, 557. 558, 559, 560, 561, 562, 563, 564, 566, 567 & 568 of 2023	:	*Mr.D.Gopal, Government Advocate*
For 1st Respondent in A.S.Nos.710, 742, 743, 745, 746, 747, 748, 749, 750, 865, 866, 867, 758,759, 760, 737, 738, 739, 740, 763, 812, 896, 897, 898, 720, 721, 729, 730, 733, 734, 735, 731, 881, 882, 901, 902, 792, 794, 829, 831, 755, 756, 764, 765, 770, 771, 820, 821, 822, 715, 716, 777, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 815, 816, 817, 818, 819, 832, 836, 837, 868, 869, 870, 872, 875, 723, 724, 725, 726, 779, 780, 781, 782, 783, 784, 785, 786, 787, 805, 806, 830, 842, 843, 844, 846, 847, 848, 849, 852, 854, 855, 856, 857, 858, 873, 874, 877, 878, 879, 880, 909, 916, 841, 862, 863, 889, 833, 834, 835, 861, 717, 718, 766, 767, 768, 809, 811, 826, 827, 828, 719, 893, 894, 899, 900, 761,	:	*Ms.A.Jagadeeswari*

762, 839, 840, 751, 752, 753, 711, 774, 775, 776, 788, 789, 790, 791, 813, 814, 859, 860, 757, 732, 736, 807, 808, 824, 825, 850, 851, 895, 712, 713, 714, 727, 772, 773, 778, 883, 892, 918 of 2024, A.S.Nos.556, 557, 558, 559, 560, 561, 562, 563, 564, 567, 568 of 2023 and A.S.No.912 of 2024		
Respondents 1 and 2 in A.S.No.769,823, 810, 722, 918 of 2024 and A.S.No.566 of 2023		
For respondents 1 to 3 in A.S.Nos.754, 728, 876, 853, 864, 838, 741 of 2024		
Respondents 1 to 4 in A.S.Nos.793, 845, 891 of 2024		
For 2nd Respondent in A.S.Nos.710, 742, 743, 745, 746, 747, 748, 749, 750, 865, 866, 867, 758,759, 760, 737, 738, 739, 740, 763, 812, 896, 897, 898, 720, 721, 729, 730, 733, 734, 735, 731, 881, 882, 901, 902, 792, 794, 829, 831, 755, 756, 764, 765, 770, 771, 820, 821, 822, 715, 716, 777, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 815, 816, 817, 818, 819, 832, 836, 837, 868, 869, 870, 872, 875, 723, 724, 725, 726, 779, 780, 781,		

782, 783, 784, 785, 786, 787, 805, 806, 830, 842, 843, 844, 846, 847, 848, 849, 852, 854, 855, 856, 857, 858, 873, 874, 877, 878, 879, 880, 909, 916, 841, 862, 863, 889, 833, 834, 835, 861, 717, 718, 766, 767, 768, 809, 811, 826, 827, 828, 719, 893, 894, 899, 900, 761, 762, 839, 840, 751, 752, 753, 711, 774, 775, 776, 788, 789, 790, 791, 813, 814, 859, 860, 757, 732, 736, 807, 808, 824, 825, 850, 851, 895, 712, 713, 714, 727, 772, 773, 778, 883, 892, 918 of 2024, A.S.Nos.556, 557, 558, 559, 560, 561, 562, 563, 564, 567, 568 of 2023 and A.S.No.912 of 2024	:	*Ms.S.Magarani, (Standing Counsel)*
For 3rd respondent in A.S.No.769, 823, 810, 722, 918 of 2024 and A.S.No.566 of 2023		
For 4th respondent in A.S.Nos.754, 728, 876, 853, 864, 838, 741,		
For 5th respondent in A.S.Nos.793, 845, 891 of 2024		

COMMON JUDGEMENT

The appellant in these appeals is the State. All these Appeal Suits arise out of the common judgement dated 30.09.2021 and individual decree (s) passed by the Land Acquisition Tribunal (Principal Subordinate Jude) at Kancheepuram [for short, "the Tribunal"] in L.A.O.P.No.192 of 2008 and batch of cases enhancing the compensation to Rs.4,754/- per cent from Rs.300/- per cent fixed by the LAO for the land(s) acquired from the land owner(s).

2. The appellant in these appeal suits is the Referring Officer - Special Tahsildar (LA), TACID, Oragadam Scheme, Irungattukottai, Kanchipuram District. The private respondent(s) are claimants and the Managing Director, SIPCOT TACID Division, the official respondent is the requisitioning body.

3. For the sake of convenience and for easy reference, the appellant in these appeals will be referred to as the State while the private respondent(s) will be referred to as the claimants and the official respondent will be referred to as the requisitioning body wherever the context so requires.

4. The brief facts leading to the filing of the present Appeal Suits in common are as follows:-

(a) Each of the claimant(s) either individually or jointly owned / possessed varying extents of land at various survey numbers located in Orgadam village, Sriperumbudur Taluk, Kanchipuram District.

(b) A total extent of 113.35.5 Hectares of land in the said village were proposed to be acquired by the State under the Land Acquisition Act, 1894 (for short, "the LA Act, 1894") at the instance of State Industries Promotion Corporation of Tamil Nadu (SIPCOT) for setting up of Industrial Development Complex by the SIPCOT and for setting up of Special Economic Zones by TACID.

(c) For the purpose of acquisition of lands, notifications under Section 4(1) of the LA Act, 1894 were issued in the Tamil Nadu Gazette in the instant cases between 01.06.1998 and 28.04.2000. The acquisition was made by invoking the emergency clause under Section 17 of the LA Act, 1894, and hence, after dispensing with the enquiry under Section 5-A of the LA Act, 1894 a declaration under Section 6 was issued on various dates between 18.06.1998 and 11.02.2000. The details of Notifications issued under Section 4(1) and Declarations issued under Section 6 of the LA Act, 1894 in respect of the

113.35.5 Hectares of land situated at Oragadam village and acquired form the claimants covered under different awards are as follows:

Award No.1/2000 dated 15.03.2000	4(1) Notification dated 08.06.1998 Sec.6 declaration dated 09.07.1998
Award No.2/2000 dated 21.01.2000	4(1) Notification dated 01.06.1998 Sec.6 declaration dated 18.06.1998
Award No.4/2000 dated 28.02.2000	4(1) Notification dated 14.07.1998 Sec.6 declaration dated 21.07.1998
Award No.5/2000 dated 30.06.2000	4(1) Notification dated 05.06.1999 Sec.6 declaration dated 09.07.1998
Award No.6/2000 dated 20.04.2000	4(1) Notification dated 19.03.1999 Sec.6 declaration dated 02.06.1999
Award No.7/2000 dated 22.05.200	4(1) Notification dated 27.01.1999 Sec.6 declaration dated 24.12.1998
Award No.8/2000 dated 31.08.2000	4(1) Notification dated 13.01.1999 Sec.6 declaration dated 08.02.1999
Award No.9/2000 dated 06.09.2000	4(1) Notification dated 24.08.1998 Sec.6 declaration dated 28.12.1998
Award No.1/2001 dated 30.04.2001	4(1) Notification dated 05.02.1999 Sec.6 declaration dated 05.05.1999
Award No.2/2001 dated 02.05.2001	4(1) Notification dated 19.03.1999
Award No.3/2001 dated 14.12.2001	4(1) Notification dated 09.11.1999 Sec.6 declaration date 18.01.2000
Award No.4/2001 dated 07.02.2002	4(1) Notification dated 28.04.2000 Sec.6 declaration date 11.02.2000

(d) Thereafter, the Land Acquisition Officer (LAO), after due enquiry, determined the compensation payable for the land at Rs.300/- by Award Nos.01 of 2000 dated 15.03.2000; 02 of 2000 dated 21.01.2000; 04 of 2000 dated

28.02.2000; 05 of 2000 dated 30.06.2000; 06 of 2000 dated 20.04.2000; 07 of 2000 dated 22.05.2000; 08 of 2000 dated 31.08.2000; 09 of 2000 dated 06.09.2000; 01 of 2001 dated 30.04.2021; 02/2001 dated 02.05.2001; 03 of 2001 dated 14.12.2001 and 04 of 2001 dated 07.02.2002.

(e) Not being satisfied with the compensation so determined by the LAO, the claimant(s) made his/their written objection(s) for enhancement of compensation stating that acquired lands were situated abutting Tambaram – Walajabad State Highway and Singaperumal Koil – Sriperumbudur State Highway and very close by to Grand Southern Trunk Road (GST Road-NH44) and National Highways (NH4); many Central and State Government Offices are located nearby the lands acquired for the Oragadam Industrial Scheme besides several Nationalized and Multinational Banking Institutions; and at the time of acquisition, the value of the land was Rs.3,000/- per square feet. It was also stated by the claimant(s) that the Government have proposed to form Greener International Airport at Sriperumbudur and there is a proposal from the Government of Tamil Nadu to lay 200 feet road from Mamallapuram to Ennore Port via Oragadam and the ground level work for the above two projects were already complete. On such objections, the LAO as Referring Officer made individual reference(s) under Section 18 of the LA Act, 1894 to the Reference Court (Principal Subordinate Judge) at Kanchipuram in respect of the lands situated at Oragadam village in the following Survey Number(s), Extent(s) covered under Award Number(s) and Date(s) and the Reference Court, in turn, took those reference on file and assigned numbers to the references as mentioned in the below mentioned tabular column.

Sl. No	LAOP No.	A.S. No.	Name of the Claimant	Survey Number	Extent of land acquired	Award Number and Date
	2008	2024				
1)	192	912	Nandhagopal	23/6	0.02.0	3/2001 14.12.2001
2)	1	753	Smt.T.Govindammal W/o.Thangaraj	16/72	0.02.5	6/2000 20.04.2000
3)	2	740	Mrs.N.Deepa	16/2A1	0.02.5	6/2000 20.04.2000
4)	4	802	S.Krishnamoorthy S/o K.Subramanian	16/1A	0.03.5	6/2000 20.04.2000
5)	5	801	M.L.Ramesh	16/93	0.02.0	6/2000 20.04.2000
6)	6	877	S.Sathappan (Died) 1. Thiru. S.Murugappan Chettiar	16/60	0.02.5	6/2000 20.04.2000
7)	7	832	S.Mallika	16/1A	0.02.5	6/2000 20.04.2000
8)	8	816	Irudayaraj	16/2A1	0.02.0	6/2000 20.04.2000
9)	9	829	R.Ravichandran	16/95	0.02.0	6/2000 20.04.2000
10)	12	738	Mr. Ella Raja	1/1A1	0.02.0	4/2001 07.02.2002

11)	13	795	Mrs.Godavari	3/2C	0.04.5	4/2001 07.02.2002
12)	14	732	K.Ram Krishnan S/o K.N.Devarajulu	1/1L	0.02.0	4/2001 07.02.2002
13)	15	743	Mrs.Catherin Joseph	1/1A4, 1A5	0.04.0	4/2001 07.02.2002
14)	16	811	Mr. M.Gnana Prakasam	1/1A1	0.01.5	4/2001 07.02.2002
15)	19	845	Mr. M.Kuppan (Died) 1. Tmt. Vasantha 2. Mahendran 3. Bhaskar S/o Kuppan 4. K.Bhaskar C/o Udayakumar	2/1A, 1D	0.02.0	4/2001 07.02.2002
16)	20	809	Uma Krishnamoorthy	5	0.02.0	4/2001 07.02.2002
17)	21	916	C.M.Vasantha	3/2A1	0.04.5	4/2001 07.02.2002
18)	22	751	Raji	5	0.02.0	4/2001 07.02.2002
19)	23	868	Thiruvenkatam	5	0.01.5	4/2001 07.02.2002
20)	24	757	Mrs. D.Dhana Lakshmi	20/1N1	0.01.5	8/2000 31.05.2000
21)	25	847	S.Senbakam	1/1A1	0.02.0	4/2001 07.02.2002
22)	26	810	1. Tmt. B.Meenakshi (Died) 2. Thiru. Venugopal 3. Thiru. Karthikeyan	39/2A1 A	0.02.0	7/2000 22.05.2000
23)	27	820	S.Palani	16/13	0.02.5	6/2000 20.04.2000
24)	28	831	J.Sathyanarayanan	16	0.02.0	6/2000 20.04.2000
25)	29	719	L.Rajeswar	16/27	0.02.0	6/2000

						20.04.2000
26)	32	780	Raquia Abubakkar	16/3	0.08.0	6/2000 20.04.2000
27)	33	836	D.Ramya	16/8	0.02.0	6/2000 20.04.2000
28)	34	896	Mrs.P.Pushparathi	16/2A1	0.02.0	6/2000 20.04.2000
29)	35	909	Smt.M.Alagammal (mentioned as M.Alagammai in the decree)	16/85	0.02.0	6/2000 20.04.2000
30)	36	826	K.Raghunathan	16/2A1	0.05.0	6/2000 20.04.2000
31)	37	901	S.P.Meenakshi	16/86	0.02.5	6/2000 20.04.2000
32)	38	808	T.Govindammal	18/1,2	0.05.0	6/2000 20.04.2000
33)	39	870	K.Kannan	16/2A1	0.02.5	6/2000 20.04.2000
34)	40	835	Mr. T.A.S.Mani	16/2A1	0.03.0	6/2000 20.04.2000
35)	41	882	J.Thirunavukkarasu	16/2A1	0.02.5	6/2000 20.04.2000
36)	44	837	Smt. S.Visalakshi	16/59	0.02.0	6/2000 20.04.2000
37)	45	728	1. Tmt. D.Dhanalakshmi (Died) 2. Thiru. Balasubramaniam 3. Tmt. Deepa Vivekanandan 4. Tmt. Divya Ramprasad	16/2A1	0.06.0	6/2000 20.04.2000
38)	46	824	Mrs. Varalakshmi (mentioned in the decree as G.P. Holder Varalakshmi)	32/93	0.02.0	2/2001 03.05.2001
39)	47	797	Mrs. R.Bagayalakshmi	32/110	0.01.5	2/2001 03.05.2001

40)	48	723	V.Ramachandran	31/2J2	0.01.5	2/2001 03.05.2001
41)	49	790	R.Arumugam	31/2 'O'	0.01.5	2/2001 03.05.2001
42)	51	726	V.Srinivasan	32/109	0.01.5	2/2001 03.05.2001
43)	52	713	R.Chithra	32/33	0.01.5	2/2001 03.05.2001
44)	53	718	Mrs. Subathra K W/o Krishnamurthy	32/77	0.01.5	2/2001 03.05.2001
45)	54	782	K.Tharani	18/3A1 P	0.02.5	1/2001 24.04.2001
46)	55	722	1. Mr. V.Krishna-murthy (Died) 2. Tmt. Uma-parvathy 3. Thiru. Sai Bala-ji	32/91	0.01.5	2/2001 03.05.2001
47)	56	725	S.Mahadevan	32/97	0.02.0	2/2001 03.05.2001
48)	57		Mrs. B.Jayalakshmi	32/3	0.01.5	2/2001 03.05.2001
49)	58	712	B.Chandraseakaran	32/2 'O'	0.01.5	2/2001 03.05.2001
50)	59	744	C.Kamala	32/114	0.01.5	2/2001 03.05.2001
51)	62	777	Mrs.S.Uma	32/96	0.01.5	2/2001 03.05.2001
52)	63	821	V.Thangam	31/2J3	0.01.5	2/2001 03.05.2001
53)	64	741	1. Tmt. T. Kamala (Died) 2. Thiru. Marimuthu 3. Tmt. Rajeshwari 4. Tmt. Samundeeswari	31/15	0.02.0	2/2001 03.05.2001
54)	65	739	Mrs.Tamizharasi	31/11	0.02.0	2/2001 03.05.2001
55)	66	812	V.Balasubramaniam	32/90	0.01.5	2/2001 03.05.2001

56)	67	851	T.A.T.Saroja	37/1A	0.02.5	7/2000 22.05.2000
57)	68	784	Mr. V.Shanmugam	38/3B	0.43.5	7/2000 22.05.2000
58)	69	828	Mr. M.Anthony Swamy	39/9	0.03.0	7/2000 22.05.2000
59)	70	792	S.Porkodi	38/7C	0.02.0	7/2000 22.05.2000
60)	71	800	M.Viswanathan	39/1A1	0.02.0	7/2000 22.05.2000
61)	74	867	D.Dharani Bai	38/7C	0.02.0	7/2000 22.05.2000
62)	75	747	V.Naneetha Krishnan	38/2, 3A	0.02.0	7/2000 22.05.2000
63)	76	852	Arokiyamary	39/2G	0.02.5	7/2000 15.03.2000
64)	77	918	Tmt. Devendramse-shammal (Died) 1. Thiru. T.A.Sun-daram 2. Tmt. Saroja	37/1A	0.02.5	7/2000 15.03.2000
65)	80	889	Smt.Andalammal	9/1A	0.02.5	4/2000 28.02.2000
66)	81	834	Smt.Gnanambal	9/1B	0.08.5	4/2000 28.02.2000
67)	86	785	R.Kumar	38/1B1	0.02.5	7/2000 22.05.2000
68)	87	897	Mr.G.Shankara Narayanan	38/2, 3A	0.02.0	7/2000 22.05.2000
69)	88	814	S.Devaraj	38/5B, 38/6	0.49.0	7/2000 22.05.2000
70)	89	822	G.R.Radhakrishnan	38/3A	0.01.5	7/2000 22.05.2000
71)	90	742	Mr.B.Venkataramani	38/3A	0.01.5	7/2000 22.05.2000
72)	93	737	Shamundeswari	38/1B1	0.02.0	7/2000 15.03.2000
73)	94	756	1. Mr. R.Padmanaban (Died)	37/1A	0.02.5	7/2000 15.03.2000

			2. Tmt. Syamala			
74)	95	850	K.Hansa Kishore	6/1	0.02.5	5/2000 10.04.2000
75)	98	711	D.Uttam Chand	6/1A	0.02.0	5/2000 10.04.2000
76)	99	878	Vijayarajachal Chand	6/1	0.02.5	5/2000 10.04.2000
77)	100		A.Goutham Chand	6/1	0.02.5	5/2000 10.04.2000
78)	103	735	P.Rajendra Kumar	6/1	0.02.5	5/2000 10.04.2000
79)	104	776	Mr.P.V.Sridhar	6/1	0.02.0	5/2000 29.06.2000
80)	105	794	R.Indra Devi	6/1	0.05.5	5/2000 10.04.2000
81)	106	765	K.Tej Raj Jain	6/1	0.04.5	5/2000 10.04.2000
82)	108	772	C.Ramakrishnan	6/1	0.02.0	5/2000 10.04.2000
83)	109	771	P.Sunil Kumar	6/1	0.03.0	5/2000 10.04.2000
84)	110	775	D.Ramesh Chand	6/1	0.02.0	5/2000 10.04.2000
85)	111	768	P.Mahendra Kumar	6/1	0.02.5	5/2000 10.04.2000
86)	112	787	P.Ramesh Kumar	6/1	2275 sq.ft	5/2000 10.04.2000
87)	113	791	Smt.Pani Devi	6/1	0.05.0	5/2000 10.04.2000
88)	114	842	A.Abdul Rawoof	22/2A1	0.03.0	8/2000 31.08.2000
89)	118	854	Mr.A.Venkata Raman	22/7	0.01.5	8/2000 03.07.2000
90)	119	716	M.Subramanian	22/6B3	0.02.0	8/2000 03.07.2000
91)	120	752	J.Velumurugan	19/1A1 B	0.02.0	8/2000 03.07.2000
92)	121	750	Mrs.Sumathi Madhava Rao	19/1J, 20/1C	0.02.0	8/2000 03.07.2000

93)	124	863	K.Balasubramanian	22/4A1	0.02.0	8/2000 03.07.2000
94)	126	729	Mrs.Daisy	22/6B2	0.02.5	8/2000 03.07.2000
95)	127	895	V.Ranganathan	20/1E	0.02.0	8/2000 03.07.2000
96)	129	900	Mrs.V.Rukku	19/11F	0.04.5	8/2000 03.07.2000
97)	131	761	R.Visneswara Rao	22/4A1	0.02.0	8/2000 31.08.2000
98)	132	769	1. Varalakshmi 2. Sampurnam	19/1A11	0.01.0	8/2000 03.07.2000
99)	133	881	Mr. Gopal	22/4	0.02.0	8/2000 03.07.2000
100)	138	799	Mr. Mohammed Fezludin	22/2	0.03.0	8/2000 03.07.2000
101)	139	813	P.V.Ranganathan	22/7	0.02.0	8/2000 03.07.2000
102)	140	857	K.Venugopal	22/4A1	0.02.0	8/2000 31.08.2000
103)	145	849	Rajagopal	20/1R	0.06.5	8/2000 03.07.2000
104)	146	830	Anitha Rajendran	20/1G 22/2A2	0.02.0 0.02.5	8/2000 03.07.2000
105)	153	724	J.Shanthi w/o A.Jayaraman	22/4A1	0.02.5	8/2000 31.08.2000
106)	156	858	G.M.Manoharan	22/7	0.01.5	8/2000 03.07.2000
107)	157	770	Jothilingam	18/3A1 A1A	0.02.5	1/2000 24.04.2001
108)	159	806	P.Pangan	22/4A1	0.02.0	8/2000 31.08.2000
109)	162	860	S.Jayanthi	22/6B1	0.03.0	8/2000 03.07.2000
110)	163	866	S.Mythili	22/7	0.04.5	8/2000 03.07.2000
111)	164	869	Vinodh Rajendran	20/1H	0.04.5	8/2000 03.07.2000

112)	166	883	L.Ashok Kumar	20/21	0.02.0	8/2000 03.07.2000
113)	168	819	P.Gunasekaran	19/16A	0.03.0	8/2000 03.07.2000
114)	169	734	P.A.Vedanarayanan	19/1C	0.03.0	8/2000 03.07.2000
115)	170	874	Ganagadaran Nair	20/1B	0.06.0	8/2000 03.07.2000
116)	176	856	S.Rajeswari	22/7	0.02.0	8/2000 03.07.2000
117)	177	839	R.Vijayakumar	1 /4	0.02.0	4/2001 07.02.2002
118)	178	846	R.Alamelu	1/17	0.06.0	4/2001 07.02.2002
119)	180	841	Lakshmi Chandrasekaran	1/19	0.02.0	4/2001 07.02.2002
120)	181	715	D.Baskaran	3/2T	0.02.0	4/2001 07.02.2002
121)	186	815	Mr.Karthikeyan	23/4	0.02.5	3/2001 14.12.2001
122)	188	721	Mr.Subarayan	23/4	0.01.5	3/2001 14.12.2001
123)	189	827	Girija Nair	23/2B	0.03.0	3/2001 14.12.2001
124)	191	825	S.P.Malarani	23/11B	0.02.0	3/2001 14.12.2001
125)	197	804	K.Pandian	23/6A	0.02.0	3/2001 14.12.2001
126)	201	773	Mrs.Thilagavathi	23/3A	0.04.0	3/2001 14.12.2001
127)	203	880	A.Balakrishnan	23/9D	0.03.0	3/2001 14.12.2001
128)	205	733	Mrs.Anuratha	23/6A	0.04.5	3/2001 14.12.2001
129)	208	898	M.Rajeswari	449/2A1	0.02.0	1/2001 24.04.2001
130)	213	736	P.Iyyappan	16/2	0.02.5	6/2000 20.04.2000

131)	214	805	Mrs.Rajeswari	33/8B11	0.03.0	9/2000 06.09.2000
132)	215	781	Selvaraj	33/8B8	0.03.0	9/2000 06.09.2000
133)	216	902	S.Ramaraju	33/8A1 D 33/6C	0.01.0 0.00.5	9/2000 06.09.2000
134)	218	855	A.Seethalakshmi	1/10	0.02.0	4/2001 07.02.2002
135)	219	786	Jayalakshmi	1/2	0.02.0	4/2001 07.02.2002
136)	220	875	S.Sekar	1/1A1	0.02.0	4/2001 07.02.2002
137)	221	853	1. Thiru. K.Jagannathan (Died) 2. Tmt. Vatchala 3. Tmt. Sowmya 4. Tmt. Bhuvaneswari	1/1J	0.02.0	4/2001 07.02.2002
138)	223	807	Mrs. P.R.Meenalochani	3/2B	0.02.0	4/2001 07.02.2002
139)	226	788	P.B.Suganya	1/1k	0.02.0	4/2001 07.02.2002
140)	228		Mrs.Parvathi	1/5	0.02.0	4/2001 07.02.2002
141)	229	764	Mrs.Vimala Subramani	1/1A8 1/23	0.04.0 0.02.0	4/2001 07.02.2002
142)	233	864	1. Thiru. P.V.Sahadevan (Died) 2. Tmt. Santha 3. Tmt. Priya 4. Tmt. Praveena	1/1A1	0.02.0	4/2001 07.02.2002
143)	235	861	Balagurunathan	38/2 38/3A	0.01.5 0.01.0	7/2000 22.05.2000
144)	238	789	V.Rukmani	38/2 38/3A	0.01.5 0.00.5	7/2000 15.03.2000
145)	239	803	Alangara Marry	39/9 ‘O’	0.02.5	7/2000 22.05.2000
146)	240	838	Tmt. T.T.Vaidehi (Died)	1/1S	0.02.0	4/2001 07.02.2002

			1. Thiru. Durai Rajan 2. Thiru. Durai Vijayan 3. Thiru. Durai Sunil			
147)	241	818	M.B.Krishnamurthy	1/8	0.02.0	4/2001 07.02.2002
148)	242	717	V.Sriram	1/21	0.02.0	4/2001 07.02.2002
149)	243	840	Usha Chandrasekaran	1/1E	0.02.0	4/2001 07.02.2002
150)	244	767	Mr.Venkatesan	1/1D	0.02.0	4/2001 07.02.2002
151)	246	779	Vasanthi	39/1A, 38/10B	0.44.5	7/2000 15.03.2000
152)	247	720	Chandra	37/1, 2, 4	0.02.5	7/2000 22.05.2000
153)	248	758	S.Tamil Arasi	38/7D, 38/7E	0.20.0 0.12.5	7/2000 22.05.2000
154)	249	865	K.Rajan (mentioned as K.Rajam in the decree)	39/1A1	0.02.0	7/2000 15.03.2000
155)	250	745	Ramachandran	39/9Q	0.01.5	7/2000 22.05.2000
156)	252	823	1.S.R.Lakshmi & 2.Mrs.Eswaran Hema	38/7F	0.10.5	7/2000 22.05.2000
157)	254	778	V.N.Chella Pillai	39/10, 11, 9	0.02.5	7/2000 22.05.2000
158)	255	748	G.Rani	1/11	0.04.0	4/2001 07.02.2002
159)	256	730	V.Chandra	1/20	0.02.0	4/2001 07.02.2002
160)	257	793	1. T.R.Krishnamurthy (Died) 2. Tmt. Varalakshmi 3. Thiru. Ramkumar 4. Tmt. Rajalakshmi	1/14	0.02.0	4/2001 07.02.2002
161)	259	891	1. R.Srinivasan (Died) 2. Tmt. Mangalam	1/9	0.02.0	4/2001 07.02.2002

			3. Tmt. Lakshmi-mani 4. Tmt. Bhuvana 5. Tmt. Rajam			
162)	260	844	Mrs.Manimegalai	1/7	0.02.0	4/2001 07.02.2002
163)	263	873	Mrs.Lalitha Sivakumar	1/12	0.02.0	4/2001 07.02.2002
164)	264	872	Mrs.Parimala Chidambaram	1/6	0.02.0	4/2001 07.02.2002
165)	265	763	Chitti Angel Francess	3/2	3275 sq.ft	4/2001 07.02.2002
166)	266	759	Mrs.Rani Mugunthan	1/3	0.02.0	4/2001 07.02.2002
167)	267	755	Mr. Sowmithran	1/13	0.06.5	4/2001 07.02.2002
168)	268	760	A.K.Varadarajan	1/1C	0.04.0	4/2001 07.02.2002
169)	269	796	Bama	1/1A14	0.04.0	4/2001 07.02.2002
170)	270	892	N.Padmaja	1/1A1	0.02.0	4/2001 07.02.2002
171)	271	859	B.B.Rani	31/2C	0.02.0	2/2001 03.05.2001
172)	274	833	R.Lalitha	31/13, 22D, 32/77F	0.05.5	2/2001 03.05.2001
173)	283	749	T.V.Bagyam	32/61	0.01.5	2/2001 03.05.2001
174)	290	893	J.Suresh	1/15	0.02.0	4/2001 07.02.2002
175)	291		Mrs.Jayalakshmi	32/77M	0.01.5	2/2001 03.05.2001
176)	293	746	Mrs. J.Dilli	22/4	1950 sq.ft	8/2000 31.08.2000
177)	294		Mrs. J.Vinotha Raj	1/3	2047 sq.ft	4/2001 07.02.2002
178)	296	899	P.Gunasekaran	19/16A, 17C	0.03.0	8/2000 31.08.2000

179)	299	894	Mrs.N.Janaki	1/25	0.04.0	4/2001 07.02.2002
180)	301	848	Mrs.Rajeswari W/o V.R.S.Mani	5	0.02.0	4/2001 07.02.2002
181)	302	843	B.Baskar	32/2J2	1800 sq.ft	2/2001 03.05.2001
182)	303	879	Mrs.Rukmani Parthasarathy	37/1A 37/2	0.03.0	7/2000 22.05.2000
183)	305	783	Mrs.Saroja Ramasamy	39/1A1	0.02.5	7/2000 15.03.2000
184)	308	862	Mrs.Sarojini Chellappan	9/1A	0.07.0	4/2000 28.02.2000
185)	309	762	Veerabathran	6/1	0.02.5	5/2000 10.04.2000
186)	310	817	D.Sriram (mentioned as D.Sairam in the decree)	25/5A1 A	0.02.5	3/2001 14.12.2001
187)	311	798	1. Thiru. R.Babu (Died) 2. Tmt. R.Rajeswari	18/3A1 H	0.05.0	1/2000 24.04.2000
188)	313	766	Jaganathan	38	1800 sq.ft	7/2000 15.12.2000
189)	314	714	God Frey & Peter Seelam	1/1I	2145 sq.ft	4/2001 07.02.2002
190)	315	754	1. Vasantha Natarajan (Died) 2. Thiru. T.N.Raghu 3. Thiru. T.N.Padri 4. Tmt. Sumathi Sivakumar	16/2A1	0.46.3	6/2000 20.04.2000
191)	317	727	Mrs. Karpagam	39/96F, 2	1830	7/2000 15.12.2000
192)	320	731	Rajalakshmi Venkatesan	16/2A1	0.02.5	6/2000 20.04.2000
193)	515	774	Revathy	39/9M	0.02.0	7/2000 15.03.2000

	LAOP	AS				
	2008	**2023**				
1.	30	567	D.Padmapriya	16/11	0.04.5	6/2000 20.04.2000
2.	31	557	Ramathilagam	16/39, 40	0.05.0	6/2000 20.04.2000
3.	83	562	Mrs.Gopal Rao	38/1B1	0.02.0	7/2000 22.05.2000
4.	85	568	Smt.Girija	39/9K	0.01.5	7/2000 22.05.2000
5.	102	556	D.Rajesh Kumar	6/1	0.03.0	5/2000 10.04.2000
6.	107	564	K.Madhavan (Died) 1. Tmt.A.Swarnalak-shmi	6/1	0.02.0	5/2000 10.04.2000
7.	136	560	A.Francina*	20/1I	0.02.0	8/2000 03.07.2000
8.	171	566	1.Mrs.Mangalam 2.Kanaga	19/1A9	0.01.5	8/2000 03.07.2000
9.	173	558	S.Sakthivel	22/4A1	0.02.0	8/2000 03.08.2000
10.	187	561	N.Vijaya	23/4	0.02.5	3/2001 14.12.2001
11.	200	563	K.Vasantha	23/6A	0.02.0	3/2001 14.12.2001
12.	210	559	Helan Shanthini	18/1	0.02.5	1/2001 24.04.2001

*Amended as per order dated07.02.2025 made in C.M.P.No.26313 of 2023.

5. The Referring Officer opposed the claim petitions stating that the awards were passed strictly in accordance with law. The counter affidavit filed by the LAO was adopted by the requisitioning body. The LAO *inter alia* contended in his counter that the awards were passed considering the various

aspects and features of the lands acquired that were projected by the claimants. The public interest outweighs the private interest. Since the compensation for the acquired lands was fixed on the existing statistics, the claim of land owners that the value of the acquired lands should be above the value determined by the LAO is incorrect and untenable.

6. Since the issue was common and the awards relate to one single village, the Reference Court had proceeded to try all the claim petitions jointly and recorded common evidence. Accordingly, during enquiry, common evidence was recorded in L.A.O.P.No.192 of 2008. During enquiry, on the side of the claimant(s), one Nandhagopal, the sole claimant in L.A.O.P.192 of 2008 was examined as C.W.1 and Ex.C.1 to Ex.C.8 were marked while, on the side of the LAO and Requisition Body, Tmt.Thenmozhi, Special Tahsildar (LA) was examined as R.W.1, however, no document was marked on the side of the LAO and Requisitioning Body.

7. Upon considering both oral and documentary evidence brought on record by the parties, more particularly, Ex.C.7, a sale deed executed by Masthan in favour of Sah Mohammed dated 08.07.1997, and Ex.C.8, a sale deed executed by Porkodi in favour of Vinolia Swamidass, the reference court, by its common order dated 30.09.2021, enhanced the compensation to

Rs.4,754/- per cent from Rs.300/- per cent as fixed by the LAO. Though the reference court had to hold that the market value of the land in the locality was at Rs.5,943/- per cent, for the acquired lands, after making a deduction of 20% towards development charges, the reference court determined the market value of the acquired land at Rs.4,754/- per cent. Challenging the enhancement of compensation made by the reference court by common judgement dated 30.09.2021 in L.A.O.P.No.192 of 2008 and batch of cases, the LAO has come up with the present appeal suits.

8. Heard both sides.

9.1 The law officers appearing on behalf of the respective appellants would submit that the LAO had, himself, taken into account a number of sale deeds, about 485 different sale transactions that had taken place in a period of three years immediately preceding the date of the 4(1) notification, of which 326 sale transactions were rejected by the LAO, finding those transfers relate to housing sites, and the LAO had taken note of a sale transaction dated 08.11.1996, which related to the transfer of agricultural land, and based on such sale deed, the LAO determined the market value for the acquired land at Rs.300/- per cent. However, the reference court, going by the house site value, fixed the market value of the lands acquired from the claimants to be of

Rs.4,754/- after giving a deduction towards development charges at 20%.

9.2 The learned law officers appearing on behalf of the LAO would, in support of their contention that the market value determined by the reference court based on the sale instances, which were in respect of individual plots of land being much smaller in comparison to the land acquired in Panapakkam village and for the deduction of 1/3rd towards development charges, placed much reliance on the judgement of the Hon'ble Supreme Court in the case of **Union of India v. Premlata and others [(2022) 7 SCC 745]**.

10. The learned standing counsel appearing for the requisitioning body sailing with the State/LAO would vehemently contend that the market value determined by the reference court for the acquired lands, which are the subject matter in the present appeal suits, was not based on any comparable sale instances and therefore, the same requires interference at the hands of this court.

11. The learned counsel appearing on behalf of the claimant(s) would submit that Oragadam village is a developed area which is on the peripheries of the City of Chennai and the compensation based on the market value arrived at by the reference court cannot be said to be arbitrary or excessive and the Supreme Court of India has been consistently held that the highest value among

the exemplar sales must be taken into account in determining the market value for the acquired land.

12.The learned counsel appearing for the requisitioning body would on the other hand sailing with the LAO submit that the enhancement of the market value by the reference court was not in tune with the provisions of the LA Act, 1894 and the subject lands are situated far away from the City of Chennai.

13. I have considered the rival submissions and perused the available records carefully.

14. Now, the only point that arises for consideration in these appeal suits is as follows:

> Whether the common order under appeal(s) enhancing the compensation awarded by the LAO was without any evidence and material?

15. The fact that a large parcel of land was acquired in Orgadam village for the development of industrial park is not in dispute and the subject lands were acquired invoking the emergency clause under Section 17 of the LA Act, 1894. After dispensing with an enquiry under Section 5A of the LA Act, 1894, a declaration under Section 6 of the LA Act, 1894 was issued between 18.06.1998 and 11.02.2000.

16. It is relevant to note, as a test case, that the LAO took into consideration around 269 sale transactions that had taken place in Oragadam village itself in a period of 3 years immediately preceding the date of notification under Section 4(1) of the LA Act, 1894, of which he rejected 248 sale transactions on the ground that they relate to house sites. The LAO had considered only a transfer of agricultural land by sale deed dated 08.11.1996.

17. It is relevant to note that before the reference court, Ex.C.1 to Ex.C.8 were filed. The reference court considered Ex.C.7, sale deed dated 08.07.1997 and Ex.C.8, sale deed dated 09.07.1997. The Notifications under Section 4(1) of the LA Act, 1894 in the instant cases were issued on different dates between 01.06.1998 and 28.04.2000. Thus, the sales under Ex.C.7 and Ex.C.8 had taken place much prior to notification under Section 4(1) of the LA Act, 1894. The reference court based its finding to enhance the compensation from Rs.300/- per cent fixed by the LAO to Rs.5,943/- per cent upon considering the sale deeds Ex.C.7 and Ex.C.8. The reference court, however, having taken note of the fact that only a small extent of land was acquired from each of the claimants in many cases, applied 20% deduction from the market value towards development charges on the market value so determined by it for the acquired land. Accordingly, the reference court fixed the market value at Rs.4,754/- per

cent.

18. In a similar matter, wherein also the land situated in Oragadam village was acquired for the industrial development purposes [**The Special Tahsildar v. Mahaveer Chand Bora** - A.S.No.397 of 2015 judgement dated 10.09.2015] a Division Bench of this court has held that the land acquired formed part of urban agglomeration and the village is already developed into an industrial satellite city; if more than 90% of the transactions had taken place in the very same village in a three year period immediately preceding the date of the notification under Section 4(1), it is not permissible for the land acquisition officer to reject all those sale deeds on the ground that they related to the sale of house sites. It would be relevant to extract hereunder the relevant paragraphs of the judgement which read as follows:-

> "9. The Tribunal found that under Ex.C.1 - the sale deed dated 30.1.1997, the land of an extent of 2,400 sq.ft., was sold for Rs.24,000/-. Therefore, rate indicated was Rs.4,363/- per cent. Under Ex.C.2, the land together with a shop measuring an extent of 3099 sq.ft., was sold for Rs.43,864/-, which worked out to Rs.6,178/- per cent. Under Ex.C.3, a house site measuring an extent of 2,400 sq.ft was sold for Rs.30,000/- working out to Rs.5,454/- per cent.
>
> 10. In view of the decision of the Supreme Court

that out of the exemplar sales, the sale deed, which indicates the highest rate, is to be taken into account, the Tribunal took Ex.C.3 as the indicator after rejecting Ex.C.2, as it related to the sale of a site with a building. On this amount of Rs.5,454/- per cent, the Tribunal allowed deduction of 30% and fixed the compensation at Rs.3,820/- per cent.

11. We do not find anything wrong with the reasoning given by the Tribunal. The Land Acquisition Officer himself took note of the fact that out of 485 sale transactions that had taken place in a period of three years preceding the Notification under Section 4(1), 344 related to sale of lands in the very same village namely Oragadam. Out of these 344 transactions, 326 admittedly related to house sites.

12. Oragadam Village is actually on the peripheries of the city of Chennai. It forms part of the urban agglomeration. The village has already developed into an industrial satellite city. Therefore, the Tribunal was right in holding that the rate indicated in the sale of house sites cannot be ignored. If more than 90% of the transactions had taken place in the very same village during the period immediately preceding the date of the notification under Section 4(1), it is not permissible for the Land Acquisition Officer to reject all those sale deeds on the ground that they related to the sale of house

sites. In view of the above, we find that the award of the Tribunal does not call for any interference."

19. In the case of **The Special Tahsildar (LA), Krishna Water Supply Project-III, Tiruvallur v. Rathina Reddi** (2003) 1 MLJ 781, a Division Bench of this Court relying upon the earlier judgement, reiterated the position of law that the land owner would be entitled to the compensation fixed on the basis of the exemplar sale deed which reflects the highest value.

20. This court has also seen that the LAO had fixed the compensation selectively by relying upon the value indicated in the sale deed in respect of the sale of agricultural land and rejected 248 sale transactions that relate to house sites. This strategy adopted by the LAO, in the view of this court, was solely to minimise compensation to the greatest extent feasible. As already discussed supra, in a case of similarly placed land owner of Oragadam village, the market value fixed by the LAO at Rs.300/- per cent was enhanced by the reference court in L.A.O.P.No.1217 of 2008 to Rs.5,454/- per cent but after giving a deduction of 30% towards development charges, the reference court fixed the market value at Rs.3,820/- per cent. That was taken on appeal by the LAO and the Division Bench of this Court by its judgement dated 10.09.2015 dismissed the appeal.

21. It is relevant to note that Oragadam village is actually on the peripheries of the City of Chennai and forms part of the urban agglomeration. The village has already developed into an industrial satellite city.

22. Be that as it may, earlier when the lands in the very same village were acquired for the same industrial development scheme at the instance of the requisitioning body herein, the enhancement of compensation granted by the reference court had already been confirmed by a Division Bench of this Court, the State cannot now take a different stand.

23. Further, it is also to be taken note of that when a person is deprived of his land, which was the source of his livelihood, he must be compensated adequately by way of just and fair compensation. "Just" compensation means fair market value. The person from whom the land was acquired must be compensated for sustenance of their livelihood. If the lands were not acquired, the landowner would have certainly made many improvements on the lands, and even if the land is kept as it is as agricultural land, just by rearing the cattle, one can easily make their livelihood.

24. The State, being eminent domain while depriving a property from a citizen, is obligated to compensate such a person adequately. Merely because the LAO had fixed a minimum compensation ignoring all the sale transactions,

which would be beneficial to the landowners to suit his convenience, it cannot be said that the compensation awarded by the LAO was just and reasonable. The reference court, out of the exemplar sales, took into consideration the sale transactions under Ex.C.7 and Ex.C.8, which indicated the value of the property transferred as Rs.5,942.68 rounded up to Rs.5,943/- per cent and enhanced the compensation fixed by the LAO from Rs.300/- per cent to Rs.4,754/- per cent after giving a deduction of 20% towards development charges. This, in the considered view of this court, appears to be just and fair compensation and based on proper consideration. Thus, the common judgement impugned in the appeal suits does not require any interference at the hands of this court.

25. At this juncture, the learned law officers appearing on behalf of the respective appellants would bring to the notice of this court a judgement in the case of **The Special Tahsildar v. Mahaveer Chand Bora (cited supra), wherein** a Division Bench of this Court, in the appeal at the instance of the LAO challenging the enhancement of compensation, had upheld the deduction of 30% towards development charges and therefore, they urged this court at least to enhance the quantum of deduction towards development charges from 20% to 30%.

26. In reply to the above, the learned counsel appearing for the claimants would further contend that though the said sale deeds relied upon by the reference court are in respect of the transactions of small plots, those could be used as comparable sale instances, as the land under acquisition is located in a developed area. No deduction towards development was essential. Therefore, according to learned Counsel, the Reference Court ought to have granted compensation to the claimant at the rate of Rs.5,943/- and deduction of 20% towards development charges ought not have been made by the reference court.

27. In the case of **The Special Tahsildar (LA) Unit – IV, Outer Ring Road Project, CMDA, Koyambedu, Chennai v. J.Jayaraman and another** (A.S.Nos.423 to 425, 429 to 434 of 2021 judgement dated 11.07.2023), a Division Bench of this Court relied upon the Nelson Fernandes v. Special Land Acquisition Officer, South Goa [(2007) 9 SCC 447] has held that no developmental charges need be deducted in a project where laying of railways and roads are undertaken. The relevant paragraph of the judgement reads as follows:-

> "10. In Nelson Fernandes and others v. Special Land Acquisition Officer, South Goa and others, [2007 (9) SCC 447], the Hon'ble Supreme Court held that no developmental charges need be deducted in a project

where laying of railways and roads are undertaken. In this very ORR project, a Division Bench of this Court in The Special Thasildhar, Land Acquisition, Outer Ring Road Project, Chennai Metropolitan Development Authority, Egmore, Chennai -8 -Vs- Palin Reshma Jacob & others, judgement dated 31-08-2015 made in A.S.Nos:574 to 583 of 2011 (Batch) had held that no deduction should be made, since the purpose of acquisition is for laying a road and in all these cases, only smaller extents have been acquired from all the land owners. The Hon'ble Supreme Court in Civil Appeal 269 and 270 of 2023 by order dated 10-01-2023 had confirmed the view of the Division Bench of this court referred to supra. Therefore, the deduction of 20% made by the Reference Court cannot be sustained."

In Nelson Fernandes 's case cited supra the acquisition of lands was for the purpose of laying a railway line and therefore, it was held by the Hon'ble Supreme Court that no deduction towards development charges could be made. Therefore, the proposition laid down by the Hon'ble Supreme Court in Nelson Fernandes's case cannot be made applicable to the facts of the present case.

28. In the case of ***C.R. Nagaraja Shetty (2) v. Land Acquisition Officer and Estate Officer*, (2009) 11 SCC 75,** the Hon'ble Supreme Court has held that in cases where the acquisition is for setting up of industries or setting up of

housing colonies or other such allied purposes, the acquiring body would be entitled to deduct some amount from the payable compensation on account of development charges, however, it has to be established by positive evidence that such development charges are justified. At para 13, the Hon'ble Supreme Court has held as follows:-

> "**13.** It is true that where the lands are acquired for public purpose like setting up of industries or setting up of housing colonies or other such allied purposes, the acquiring body would be entitled to deduct some amount from the payable compensation on account of development charges, however, it has to be established by positive evidence that such development charges are justified. The evidence must come for the need of the development contemplated and the possible expenditure for such development. We do not find any such discussion in the order of the High Court."

29. In the case of **Kasturi and others v. State of Haryana [(2003) 1 SCC 354]**, the Hon'ble Supreme Court has held that in cases of some land where there are certain advantages by virtue of the developed area around, may help in reducing the percentage of cut to be applied, as the developmental charges required may be less on that account. The relevant paragraph of the

judgement reads as follows:-

7. It is not debated that the sale transaction covered by Ext. P-7 relates to a small plot and the land in question acquired is about 84 acres. This land comprising of a large area is not developed although it has potential value for residential and commercial purposes. In order to develop this land, roads were to be laid, provision for drainage was to be made and certain area was to be earmarked for other civic amenities. Thus, after leaving the area in the land required for the purposes mentioned above, plots were to be made for residential and commercial purposes by incurring expenditure for other developmental works, such as providing electricity, water etc. The acquired land is not a small plot located in such a way that no other development was required at all and it could be utilized as it is as a developed building site. It is well settled that in respect of agricultural land or undeveloped land which has potential value for housing or commercial purposes, normally 1/3rd amount of compensation has to be deducted out of the amount of compensation payable on the acquired land subject to certain variations depending on its nature, location, extent of expenditure involved for development and the area required for roads and other civic amenities to develop the land so as to make the plots for residential or commercial purposes. A land may be plain or uneven, the soil of the land may be soft or hard bearing on the foundation for the purpose of making construction; maybe the land is situated in the midst of a developed area all around but that land may have a hillock or may be low-lying or may be having deep ditches. So the amount of expenses that may be incurred in developing the area also varies. A claimant who claims that his land is fully developed and nothing more is required to be done for developmental purposes, must show on the basis of evidence that it is such a land and it is so located. In the absence of such evidence, merely saying that the area adjoining his land is a developed area, is not enough particularly when the extent of the acquired land is large and even if a small portion of the land is abutting the main road in the developed area, does not give the land the character of a developed area. In 84 acres of land acquired even if one portion on one side abuts the main road, the remaining large area where planned development is required, needs laying of internal roads, drainage, sewer, water, electricity lines, providing civic amenities etc. However, in cases of some land where there are certain advantages by virtue of the developed area around, it may help in reducing the percentage of cut to be applied, as the developmental charges required may be less on that account. <u>There may be various factual factors which may have to be taken into consideration while applying the cut in payment of compensation towards developmental charges, maybe in some cases it is more than 1/3rd and in some cases less than 1/3rd</u>. It must be remembered that there is difference between a developed area and an area having potential value, which is yet to be developed. The fact that an area is developed or adjacent to a developed area will not ipso facto make every land situated in the area also developed to be valued as a building site or plot, particularly when vast tracts are acquired, as in this case, for development purpose. ”

30. In the case of **Union of India v. Premlata and others [(2022) 7 SCC 745]** upon which much reliance was placed by both the learned law officers for the LAO and the learned standing counsel for the requisitioning body, the Hon'ble Supreme Court relying upon its judgement in the case of **Pitambar Hemlal Badgujar v. Sub-Divisional Officer [(1996) 7 SCC 554]**

has held that the courts may determine the compensation on square foot basis on case to case basis, if there are no other sale instances available, however, subject to a reasonable deduction towards development charges.

31. Thus, there is no straight-jacket formula for the deduction of development charges and it is now well settled that if the value of small developed plots should be the basis, appropriate deductions will have to be made therefrom towards the development charges.

32. In the instant cases, a vast extent of agricultural land which was already converted into house sites are the subject matter of land acquisition. Admittedly, house sites were acquired for the purpose of setting up an industrial development complex, and the lands under acquisition not only had potential value but were also developed and situated in the developed area. The adjacent areas were also already developed. Neither the LAO nor the Requisitioning Body did establish the need for development contemplated and the possible expenditure of such development by producing positive evidence to show that such development charges were justifiable. Yet, none of the claimants is found to be aggrieved by either the deduction of development charges or the quantum thereof because there was no appeal or cross appeal from them against the deduction of development charges, and therefore, this

court does not want to go into the issue of the deduction of development charges. Therefore, the arguments advanced on behalf of the LAO as well as the requisitioning body in this regard shall stand rejected, and this court does not find any error in the deduction of 20% applied by the reference court towards development charges and the same shall stand confirmed.

33. For the foregoing discussion, this court finds that the common award passed by the reference court does not call for any interference at the hands of this court. The appeal suits fail and they are liable to be dismissed.

In the result, all the appeal suits are dismissed. The common order and decree(s) of the reference court are confirmed. No costs. Consequently, connected Civil Miscellaneous Petitions are also closed.

The Law Officers will be entitled to separate fee for each appeal.

Index : yes / no **07-02-2025**
Neutral Citation : yes / no
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Note: The Registry is directed to type out cause title for all the appeal suits and issue certified copy.

To

1.The Principal Subordinate Judge, Kancheepuram.

N.SATHISH KUMAR.J.,

kmk

COMMON JUDGEMENT
in
Appeal Suit Nos.710 of 2024
and batch of cases

07..02..2025