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A.S.No.554 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

A.S.No.554 of 2022

and

C.M.P.No.20898 of 2022

The Special Tahsildar
(Land Acquisition Officer)
Adi Dravidar Welfare Department,
Vellore District - 9

.. Appellant

Vs.

Yasodhammal(Died)
W/o.(Late)Govindasamy

1.Poongavanam
S/o.(Late) Govindasamy
Vellore.

.. Respondent

PRAYER: Appeal Suit is filed under Section 54 of the Land Acquisition Act, to set aside the Judgment and decree in L.A.O.P.No.28 of 2014 dated 14.09.2017 on the file of the Special Subordinate Court, Vellore.

For Appellant : Ms.P.Anitha
Special Government Pleader

For Respondent : Mr.S.Anand



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JUDGMENT

This Appeal Suit is filed by the State challenging the decree passed by the Special Court for Land Acquisition, which enhanced the compensation for the land acquired from Rs.13,023/-per acre to Rs.1,000/- per cent.

2. According to the learned Special Government Pleader, the lower Court failed to consider the fact that the 49 sale transactions data collected during the acquisition proceedings reflects the value of the land as only Rs.130/- per cent. While so, the Court relied on documents, that did not reflect the true value of the adjacent land and enhanced the compensation from Rs.130/- to Rs.1,000/- per cent.

3. Further, the learned Special Government Pleader contended that the land was acquired for the Adidravidar Housing Scheme and the trial Court failed to make deduction towards development charges, which should be atleast 50% of the value fixed.



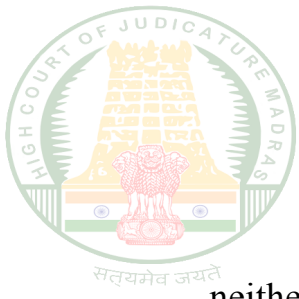
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4. The learned counsel appearing for the respondent submitted that the land acquired is situated near the Vellore Airport. The notification under Section 4(1) the Land Acquisition Act, 1894, was issued on 26.09.1988. The land in question is agricultural in nature and was settled in favour of the 1st claimant, Yasodhammal by his brother in the year 1964. Since then, she has been dependent on the property for her livelihood. On her death, during pendency of the acquisition proceedings, the property devolved on the second claimant, who is her sole legal heir.

5. It is further submitted that the data sales relied by the Acquisition Officer are not in respect of the properties adjacent to the land acquired and even during the enquiry under Section 5-A of the Act. Documents were produced to establish that the value of the property is approximately Rs.2050/- per cent.

6. Regarding the development charge, the learned counsel appearing for the respondent submitted that no such deduction was made at the time of passing the award. The claim for a 50% deduction towards development charges was made for the first time in the appeal and is



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neither substantiated by evidence nor justified.

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7. Point for consideration is whether the judgment and decree passed by the trial Court in L.A.O.P.No.28 of 2014 suffers from any infirmity. The specific facts of the case do not support a valuation of Rs.1,000/- per cent. However, the Court below had taken note of the location of the land, its proximity to the main road and access to other public utilities. Though it is only statement by Yasodhammal, first claimant demanding Rs.2050/- per cent, the Court below had considered the other aspects and had fixed the compensation at Rs.1,000/- per cent with 30% solatium, 12% interest from the date of 4(1) notification, 9% interest on the additional amount for the first year and 15% interest thereafter.

8. Since fixation of compensation, solatium and interest are in tune with the documents produced and evidence on record and the rate of interest also in accordance with 23(1)(a) and 28 of the Land Acquisition Act, this Court finds no reason to interfere with the well considered order of the trial Court.



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9. As a result, this *Appeal Suit stands dismissed*.

Consequently, the connected Civil Miscellaneous Petition is closed.

There shall be no order as to costs.

10. The appellant is directed to deposit the award amount within two months, if not so far deposited. On such deposit, the claimant shall withdraw the amount on due proof of identification.

23.06.2025

Index: Yes/No

Speaking/Non Speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Special Subordinate Court, Vellore.

2.The Special Tahsildar
(Land Acquisition Officer)
Adi Dravidar Welfare Department,
Vellore District - 9

3.The Section Officer, High Court of Madras, Chennai.

DR.G.JAYACHANDRAN,J.

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