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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28..03..2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Appeal Suit Nos.1091, 951, 952, 954, 955, 960, 961, 964, 965, 967, 968, 969, 970, 971, 972, 973, 988, 989, 990, 992, 997, 998, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1054, 1055, 1056, 1057, 1059, 1060, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1131, 1133, 1138 and 1139 of 2024,

182 & 186 of 2025

and

C.M.P.Nos.27753, 25781, 25786, 25835, 25836, 25945, 25954, 26030, 26055, 26070, 26075, 26074, 26078, 26081, 26083, 26087, 26730, 26732, 26738, 26740, 26832, 26833, 26903, 26906, 26910, 26914 26916 26919 26922, 26923, 26924, 26926, 26927, 26928, 26933, 26936, 26938, 26942, 26945, 27097, 27102, 27099, 27103, 27106, 27111, 27144, 27148, 27153, 27155, 27157, 27168, 27174, 27173, 27220, 27221, 27223, 27225, 27227, 27229, 27230, 27231,

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27233, 27234, 27235, 27236, 27238, 27376, 27381, 27382, 27384, 27406, 27407, 27524, 27527, 27529, 27531, 27532, 27534, 27546, 27549, 27554, 27563, 27567, 27597, 27649, 27726, 27728, 27734, 27738, 27739, 27740, 27742, 27744, 27745, 27746, 27748, 28592, 28595, 28600, 28603, 28614, 28616, 28658, 28664, 28866, 28872, 29061, 29063 of 2024, 3912 & 4017 of 2025

…..

A.S.No.1091 of 2024:

K.B.Mahesh

….. Appellant / Claimant

-Versus-

1.The Special Tahsildar (LA),
Unit-IV,
Kannan Kottai – Thervoy Kandigai Reservoir Scheme,
Gummidipoondi Taluk @ Kavaraipettai.

….. 1st Respondent / Referring Officer

2.The Engineer-in-Chief,
Water Resources Department,
Public Works Department,
Tiruvallur District.

….. 2nd Respondent / Requiring Body

Prayer in A.S.No.1091 of 2024: Appeal filed under Section 74 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, praying to enhance the compensation awarded by the learned Principal District Judge, Tiruvallur, by order and decree dated 22.02.2024

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made in L.A.O.P.No.608 of 2021 from Rs.29,640/- per are to Rs.50,000/- per are.

For Appellant(s) in all Appeal Suits	:	*Mr.B.S.Jhothiraman*
Respondent(s)		*Mrs. R.Anitha, Spl. Government Pleader for RR1 & 2 in A.S.No.1091, 951, 952, 954, 955, 960, 961, 964, 965, 967, 968, 969, 970, 971 and 972 of 2024*
		Mr. T. Arun Kumar, Addl. Government Pleader for RR1 & 2 in A.S.No.973, 988, 989, 990, 992, 997, 998, 1001, 1002, 1003 and 1004 of 2024
		Mrs. K. Aswini Devi, Addl. Government Pleader for RR1 & 2 in A.S.No.1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015 and 1016 of 2024
		Mr. R.Siddharth, Addl. Government Pleader for RR1 & 2 in A.S.No.1017, 1018, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1033, 1034, 1035 and 1036 of 2024
		Mr. P. Gurunathan, Addl. Government Pleader for RR1 & 2 in A.S.No.1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, and 1047 of 2024
		Mr. D. Gopal, Government Advocate for RR1 & 2 in

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		A.S.No.1048, 1049, 1050, 1051, 1054, 1055, 1056, 1057, 1059, 1060, 1066, 1067, 1068, 1069 and 1070 of 2024
		Mr. C. Sathish, Government Advocate for RR1 & 2 in A.S.No.1071, 1072, 1073, 1075, 1076, 1077, 1078, 1079, 1080, 1081, and 1082 of 2024
		Mr. V. Ramesh, Government Advocate for RR1 & 2 in A.S.No.1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1117, 1118, and 1119 of 2024
		Mr. N. Muthuvel, Government Advocate for RR1 & 2 in A.S.No.1120, 1121, 1122, 1123, 1124, 1131, 1133, 1138, 1139 of 2024 and AS.182 and 186 of 2025

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COMMON JUDGEMENT

The appellants, who are the claimant(s) in the LAOP references before the reference court, have come up with present appeal suits challenging the inadequacy of the enhanced compensation granted by the Reference Court (Principal District Judge) at Tiruvallur, by common order dated 22.02.2024. The 1st respondent is the LAO and 2nd respondent is the requiring body.

2. No cross-objections were filed either by 1st respondent/LAO or the 2nd respondent/requiring body as against the enhancement of compensation by the reference court.

3. For the sake of convenience and for easy reference, the appellant(s) in these appeal suits will be referred to as the claimants, while the 1st respondent will be referred to as the LAO, and the 2nd respondent will be referred to as the requiring body wherever the context so requires.

4. A vast extent of patta land situated in Kannan Kottai and Thervoy Kandigai Villages, Gummidipoondi Taluk, Tiruvallur District, including the lands belonged to the claimants herein and several other landowners, was proposed to be acquired for the formation of Kannan Kottai-Thervoy Kandigai Reservoir.

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5. Originally notifications under Section 4(1) of the Land Acquisition Act, 1894, were issued on different dates between 06.06.2013 and 24.07.2013 in the Tamil Nadu Gazettes declaring that the lands belonging to the claimants and a few other landowners situated in Kannan Kottai and Thervoy Kandigai Village were needed for a public purpose for the formation of Kannankottai Thervoy Kandigai Reservoir Scheme Land Acquisition work and the same were published in the official gazette and also in the local Tamil and English daily newspapers. As it became necessary to acquire immediate possession of the lands specified in the schedule to the respective 4(1) Notifications, the Government invoked urgency provision under the provisions of sub-section (1) of Section 17 of the LA Act and as such, enquiry under Section 5-A of the LA Act, 1894, was dispensed with, invoking the emergency clause under Section 17(4) of the LA Act, 1894. Thereafter, notifications under Section 6 declarations as required under the LA Act, 1894, came to be issued. As there were legal tangles and writ petitions and writ appeals at the instance of the claimants pending before this court, the land acquisition proceedings had got delayed.

6. In the meantime, pending award enquiries in the acquisition proceedings, the new Act called "The Right to Fair Compensation and Transparency in Land

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acquisition, Rehabilitation and Resettlement Act, 2013" [for short **"RFCTLARR Act, 2013"**] came into force with effect from 01.01.2014 and therefore, pursuant to the Government Orders and Executive Orders, the acquisition proceedings were to be continued under the RFCTLARR Act, 2013 in view of the specific provision under Section 24(1) (a) of the RFCTLARR Act, 2013. Accordingly, final awards were passed in terms of the provisions contained in RFCTLARR Act, 2013. The details of the total extent of land acquired in Kannan Kottai and Thervoy Kandigai Villages and covered under each award are:

Sl. No.	Award Number	Rc. Number	Award Dated	Total Extent of Land acquired in AREs
1	3 of 2014	6 of 2013/A1/Unit-I/Block-IV	05.04.2018	8.72.0
2	6 of 2013	2 of 2013/A1/Unit-III/Block-I	06.04.2018	7.25.0
3	6 of 2014	22/2013/A1/Unit-I/Block-I	06.04.2018	8.78.5
4	7 of 2013	Rc.No.16/2013/A1/Unit-III/Block-III	09.04.2018	7.25.0
5	1 of 2014	Rc.No.2/2013/A1	09.04.2018	15.65.0
6	2 of 2014	Rc.No.8/2018/A1/Unit-II/Block-V	10.04.2018	9.07.5
7	5 of 2013	Rc.No.18/2013/A1/Unit-III/Block -IV	12.04.2018	9.95.0
8	3 of 2013	Rc.NO.3/2013/A1/Unit-III/Block-V	16.04.2018	7.62.5
9	1 of 2014	Rc.No.10/2013/A1/Unit-III/Block-VII	16.04.2018	10.63.5

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10	3 of 2014	Rc.No.3/2018/A1/Unit-II/Block-III	17.04.2018	6.74.5
11	5 of 2014	Rc.No.2/12/a1/Unit-II/Block-VII	17.04.2018	9.86.0
12	3 of 2014	Rc.No.7/2018/A1/Unit-II/Block-III	17.04.2018	6.74.5
13	1 of 2014	Rc.No.7/2018/A1/Unit-II/Block-II	24.04.2018	8.06.0
14	4 of 2013	Rc.No.13/2013/A1/Unit-III/Block-II	30.04.2018	8.89.0
15	4	Rc.No.5/2013/A1/Unit-II/Block-IV	01.06.2018	9.08.0
16	2 of 2014	Rc.No.4/2013/A1/Unit-III/Block-VI	09.07.2018	13.98.5
17	5 of 2014	Rc.No.11/2013/A1/Unit-I/Block-VI	11.07.2018	17.22.0
18	6 of 2014	Rc.No.12/2013/A1/Unit-II/Block-I	16.08.2018	59.76.5

7. In view of the pendency of the writ petitions/writ appeals at the instance of some of the landowners, the LAO was unable to pass orders on interest payable on the compensation amount, and immediately upon disposal of the writ petitions and the writ appeals by this court, the LAO issued appropriate proceedings. The details of proceedings pursuant to the final awards are:

Sl. No.	Award Number	Rc. Number	Award Dated	Total Extent of Land acquired in AREs
1	1 of 2014	Rc.No.2/2023/A1	28.08.2020	15.65.0
2	4 of 2013	Rc.No.13/2020/A1/Unit-III/Block-II	31.08.2020	8.89.0
3	1 of 2014	Rc.No.7/2018/A1/Unit-II/Block-II	03.09.2020	8.06.0
4	3 of 2014	Rc.No.3/2018/A1/Unit-II/Block-III	11.09.2020	6.74.5

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5	5 of 2013	Rc.NO.18/2020/A1/Unit-III/Block-IV	14.09.2020	9.95.0
6	3 of 2013	Rc.No.3/2020/A1/Unit-III/Block-V	15.09.2020	7.62.5
7	2 of 2014	Rc.No.8/2018/A1/Unit-II/Block-V	15.09.2020	9.07.5
8	4 of 2014	Rc.No.5 of 2013/A1/Unit-II/Block-IV	16.09.2020	9.08.0
9	2 of 2014	Rc.No.4/2020/A1/Unit-III/Block-VI	25.09.2020	13.98.5
10	5 of 2014	Rc.NO.19/2018/A1/Unit-II/Block-VII	25.09.2020	9.86.0
11	1 of 2014	Rc.No.10/2020/A1/Unit-III/Block-VII	28.09.2020	10.63.5

8. The details of the lands comprised in different survey numbers situated at Kannan Kottai and Theyvoikandigai villages, which had been acquired from claimants and a few others, and at whose behest references were made for enhancement of compensation (which had been taken as LAOPs), and the details of the appeal suits filed by the aggrieved claimants over the inadequacy of the compensation fixed by the reference court are as follows:

Sl No.	Name	Appeal Suit Number	L.A.O.P. Number	Survey Number	Extent of land acquired (in ARES)
		2024			
1	K.B. Mahesh	1091	608 /2021		54.5
2	K.B. Mahesh	951	103 /2020	218/19 218/21 Total	0.04.0 0.02.0 0.06.0

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3	Munivel Chetty	952	48 / 2020	173/2A 173/2B 173/2C Total	0.14.0 0.13.0 0.10.0 0.37.0
4	Kathavarayan	954	109 /2020	319/8	41.5
5	Kathavarayan	955	72 / 2019	318/9	0.20.5
6	K.B. Mahesh	960	171 /2020	218/23 218/24 218/18 Total	0.04.0 0.06.0 0.05.0 0.15.0
7	1.Narayanasamy 2.Vidhya	961	222 2020	191/8 191/10 Total	0.22.00 0.05.0 0.27.0
8	E. Sivan	964	94 / 2020	296/14	0.14.0
9	K.B. Mahesh	965	195 2020	185/4 185/6 186/1 Total	0.19.5 0.21.5 0.13.0 0.54.0
10	Palayam	967	104 / 2020	286/14	0.10.0
11	P. Radhan	968	156 / 2020	271/6A	0.09.0
12	Palayathan @ Palayam	969	91 / 2020	286/16	0.03.0
13	Palayam	970	79 / 2020	317/6	0.21.0
14	E. Govindasamy	971	169 / 2020	321/5 321/6 321/7 321/9	0.19.0 0.04.5 0.18.0 0.25.0

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				Total	0.66.5
15	E. Sivan	972	762 / 2021	317/15	0.06.0
16	Krishnamoorthi	973	87 / 2020	291/2B 291/3B 291/4 292/6 Total	0.03.5 0.04.5 0.09.5 0.05.0 0.23.0
17	Suresh	988	124 / 2020	271/1	0.06.5
18	Suresh	989	165 / 2020	141/3 141/6 141/7 Total	0.02.5 0.16.0 0.12.0 0.30.5
19	Kannaiyan	990	713 / 2021	281/3 281/4 Total	0.13.0 0.02.5 0.15.5
20	Palayam	992	206 / 2020	318/9	0.03.0
21	P. Radhan	997	110 2020	289/1	0.10.0
22	P. Radhan	998	117 / 2020	321/3	0.17.5
23	E. Govindasamy	1001	187 / 2020	294/5, 294/7, 294/9, 295/1, 295/2, 295/3, 295/7, 317/4,	0.08.5 0.05.5 0.06.5 0.06.5 0.12.0 0.17.0 0.04.5 0.0.6

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				& 317/16 Total	 0.05.5 0.72.5
24	E. Govindasamy	1002	193 2020	317/17	01.5
25	K.B. Mahesh	1003	69 / 2019	289/7 290/4 Total	0.04.5 0.15.0 0.19.5
26	K. Nagaiyan	1004	70 / 2019	286/14	0.10.0
27	E. Sivan	1005	760 / 2021	295/4	0.12.0
28	K.B. Mahesh	1006	64 / 2019	296/7 296/12 296/13 Total	0.22.0 0.23.0 0.09.0 0.54.0
29	K.B. Mahesh	1007	122 / 2020	272/6	0.22.0
30	Krishnamoorthi	1008	106 / 2020	200/2B	0.01.5
31	E. Sivan	1009	801 / 2021	321/2	0.03.5
32	E. Sivan	1010	780 / 2021	317/11	0.05.0
33	Krishnamoorthi	1011	211 / 2020	278/4 278/6A1 278/6A3	0.10.0 0.08.5 0.20.5 0.38.5
34	E. Sivan	1012	770 /	317/14	0.03.0

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			2021		
35	Sarojammal & Ranjana	1014	83 / 2020	268/2B	0.04.0
36	Sarojammal & Ranjana	1015	81 / 2020	290/6	0.16.0
37	Sarojammal & Ranjana	1016	68 / 2019	179/8 185/5 185/7 186/4 Total	0.11.5 0.70.0 0.04.0 0.21.5 1.07.0
38	Jothi	1017	163 / 2020	201/6 part	0.03.0
39	Jothi	1018	731 / 2021	286/11	0.16.0
40	Muneeswaran (deceased)rep by LRs 1.Suguna 2.Neshma 3.Rajeswari 4.Punitha Raj	1022	101 / 2020	191/9	0.04.0
41	Kathavarayan	1023	90 / 2020	286/2	0.09.0
42	E. Govindasamy	1024	85 / 2020	321/4	0.05.0
43	E. Govindasamy	1025	112 / 2020	294/14	0.08.0
44	Muneeswaran (Died) 1.Suguna 2.Neshma 3.Rajeswari 4.Punithraj	1026	192 / 2021	181/5	0.08.0

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45	Muneeswaran (Died) 1.Suguna 2.Neshma 3.Rajeswari 4.Punithraj	1027	783 / 2021	199/6	0.08.5
46	Manogaran	1030	167 / 2020	291/2A 291/3A Total	0.03.0 0.05.0 0.08.0
47	Manogaran	1031	113 / 2020	278/6A2	0.03.0
48	P. Selvam	1033	162 / 2020	153/14	0.07.0
49	Kathavarayan	1034	208 / 2020	153/11	0.10.5
50	Thukkaram Naidu	1035	175 / 2020	292/2	0.26.0
51	Thukkaram Naidu	1036	176 / 2020	132/2B	0.29.0
52	Thukkaram Naidu	1037	198 / 2020	216/8 216/9 217/1 Total	0.23.5
53	K.B. Mahesh	1038	173 / 2020	179/6 179/7 179/9 185/9 186/5 Total	0.31.5 0.23.5 0.12.0 0.13.0 0.07.0 0.87.0

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54	Manogaran	1039	183 / 2020	200/2A 200/3 203/16 Total	0.61.5 0.21.5 0.12.5 0.95.5
55	Kathavarayan	1040	118 / 2020	151/6	0.24.0
56	Kathavarayan	1041	204 / 2020	317/6	0.75.0
57	P. Selvam	1042	164 / 2020	288/1B	0.17.0
58	D. Srinivasan	1043	200 / 2020	216/4	0.30.0
59	Manogaran	1044	220 / 2020	280/6	0.22.0
60	R. Radhan	1045	82 / 2020	161/3H part 161/19B Part Total	0.02.5 0.02.5 0.05.0
61	Vidya Devi	1046	189 / 2020	296/8 296/10 Total	0.05.5 0.05.5 0.11.0
62	S. Balaji	1047	196 / 2020	192/3	0.03.5
62	P.B. Murali	1048	174 / 2020	161/3D 161/3B 161/3C 161/3A 162/7B	0.09.5 0.10.5 0.10.0 0.09.0 0.03.0

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				Total	0.42.0
64	K.B. Mahesh	1049	126 / 2020	270/5 270/2 Total	0.14.5 0.26.5 4.01.0
65	Kannaiyan	1050	92 / 2020	288/1A	0.13.5
66	K.B. Mahesh	1051	387 / 2022	275/10	0.11.0
67	Dhasarathan, K	1054	219 / 2020	173/2E 175/10 176/5 176/6 176/7 176/11 Total	0.08.0 0.14.0 0.05.5 0.03.5 0.02.5 0.28.0 0.61.5
68	Dhasarathan, K	1055	730 / 2021	165/2 165/4 Total	0.53.0 0.09.5 0.62.5
69	K. Mani	1056	86 / 2020	162/19A	0.14.5
70	K. Mani	1057	197 / 2020	270/8	0.05.0
71	Manickam	1059	129 / 2020	318/4 319/9 319/10 Total	0.09.0 0.03.0 0.01.5 0.13.5
72	Sadhanantham	1060	88 / 2020	330/7B	0.27.0
73	Parandam	1066	128 / 2020	161/4	0.08.5
74	P. Selvam	1067	158 / 2020	153/10	0.10.0

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75	P. Selvam	1068	130 / 2020	282/8	0.09.5
76	Parandam	1069	207 / 2020	143/1	0.07.5
77	P. Nagesh	1070	115 / 2020	263/5	0.06.5
78	Kattan	1071	47 / 2020	175/8 176/1 176/3 176/10 176/2 175/9B Total	0.07.0 0.12.0 0.21.0 0.24.0 0.13.0 0.04.0 0.71.5
79	P. Nagesh	1072	159 / 2020	290/1 290/2 Total	0.04.0 0.10.0 0.14.0
80	Jagathammal	1073	214 / 2020	196/4	0.33.0
81	K. Mani	1075	84 / 2020	272/7	0.10.0
82	K. Mani	1076	123 / 2020	272/2B	0.31.5
83	P. Radhan	1077	80 / 2020	321/4 323/5 323/6 323/1 Total	0.05.0 0.20.0 0.06.5 0.29.0 0.60.5
84	Manickam	1078	209 /	285/4	1.22.5

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			2020		
85	Palayam	1079	802 / 2021	153/9 154/1 Total	0.06.5 0.25.0 0.31.5
96	K.B. Mahesh	1080	95 / 2020	180/4 180/5 180/8 180/9 Total	0.14.5 0.05.5 0.04.0 0.28.0 0.52.0
97	Manogaran	1081	224 / 2020	293/4	0.08.5
88	P. Radhan	1082	168 / 2020	323/17	0.26.0
89	D. Srinivasan	1083	194 / 2020	202/2 202/5 204/2 195/9 Total	0.05.0 0.14.5 0.05.0 0.13.0 0.37.5
90	Kannaiyan	1084	732 / 2021	288/8	0.11.5
91	Vidyadevi	1085	199 / 2020	296/4	0.25.0
92	Jothi	1086	735 / 2021	286/7 286/8 286/9 287/2 288/4 288/6 Total	0.14.0 0.02.5 0.04.0 0.04.5 0.06.0 0.05.5 0.37.0
93	P. Radhan	1087	177 /	288/3B	0.13.5

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			2020	288/7 Total	0.03.5 0.17.0
94	P.B. Murali	1088	116 / 2020	143/5A 143/5B 143/5C 1435D 143/5E 143/5F 143/5G 143/5H 143/5J 143/5K 143/5L 143/5M Total	0.17.0 0.04.5 0.09.5 0.05.0 0.07.0 0.05.0 0.02.5 0.03.0 0.10.0 0.04.0 0.04.0 0.10.5 0.82.5
95	E. Govindasamy	1089	120 / 2020	275/5	0.13.0
96	R. Radhan	1090	223 / 2020	144/1 part	0.12.0
97	Jinenthira Chamdariya	1117	178 / 2020	203/2 part 203/3 Total	0.01.0 0.04.5 0.05.5
98	P. Nagesh	1118	172 / 2020	152/1 152/7 152/9A 153/13 Total	0.15.5 0.09.0 0.04.5 0.21.5 0.50.0
99	M. Ravichandran	1119	111 / 2020	154/1	0.03.0
100	M. Ravichandran	1120	215 / 2020	153/12	0.09.0

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101	P. Radhan	1121	182 / 2020	288/3A	0.19.5
102	1.Jinenthira Chamdariya 2.Promoth Kumar	1122	98 / 2020	143/6 143/7 143/9 144/2 144/3A 144/3C 144/4A 144/5 144/6 144/3B 144/3D 144/4B 144/10A Total	0.12.5 0.17.0 0.19.0 0.04.0 0.07.5 0.10.0 0.12.0 0.19.5 0.42.5 0.28.0 0.01.5 0.03.3 0.17.0 1.93.5
103	Jinenthira Samdaria	1123	213 / 2020	145/2B	0.14.5
104	P. Radhan	1124	191 / 2020	290/10	0.13.5
105	Ravichandran	1131	216 / 2020		47.5
106	P. Radhan	1133	212 / 2020	155/10	0.10.5
107	G. Dhasarathan	1138	205 / 2020	194/5	0.17.5
108	Muniyammal	1139	170 / 2020	195/10 part	0.15.0

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Sl No.	Name	Appeal Suit Number	L.A.O.P. Number	Survey Number	Extent of land acquired (in ARES)
		2025	**2020**		
109	G. Dhasarathan	182	184	201/6 part	0.63.0
110	Govindaraj	186	125	317/9	0.06.5

9. Being aggrieved by the compensation awarded by the 1st respondent/LAO, the respective landowners sought reference to the authority concerned individually, the Principal District Judge (Reference Court) at Tiruvallur, to establish their claim for enhancement of compensation. Accordingly, the 1st respondent referred the claim of the landowners to the reference court under Section 64 of the RFCTLAAR Act, 2013.

10. The landowners claimed reference under Section 64 of the RFCTLARR Act, 2013 *inter alia* stating that that the market value fixed by the referring officer was too low and disproportionate to the prevailing market value. The annual income from the land was not less than Rs. 1,50,000/- per acre. The lands adjacent to the acquired lands were already converted as house sites and are being sold at

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square foot rate. The acquired lands are situated near the SIPCOT industrial park formed on the border of Kannan Kottai village, and the SIPCOT has let out the lands on lease, and as per the lease deed vide Doc. No. 5266 of 2013 dated 11.09.2013 entered by SIPCOT with M/s. Metal Powder Company Limited, the cost of the plot in Thervoy Kandigai Village was fixed between Rs. 38.50 lakhs and 50.00 lakhs per acre. Therefore, as per the said lease agreement, the market rate of the land in the village is Rs. 1,23,578/- per are. Both the villages were brought within the CMDA limits. Adjacent land was sold for Rs.500/- per square foot even before the notification in the year 2013. The enquiry officer conducted the enquiry in a farcical manner, and no real enquiry was conducted. They are entitled to enhanced compensation under the RFCTLARR Act, 2013, together with all statutory benefits.

11. The LAO objected to the claim of the landowners for enhancement of compensation *inter alia,* contending that the referring officer, while denying the claim of the landowners for enhanced compensation, contended that there was no proof to support their claim of Rs.50,000/- per cent as compensation. The market value claimed by the landowners is too high. No sale transaction took place at the market value in the vicinity as claimed by the landowners. The claimants are

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entitled only to compensation under the new Act. The new Act came into force only with effect from 01.01.2014. The landowners are not entitled to rehabilitation and resettlement benefits introduced under the new Act 2013 considering the law laid down by the Hon'ble Supreme Court in SLP (C) Nos.663-16632/2018. The final awards passed shall be construed to be awards for all purposes. The claimants have already been paid compensation. The claim made by the landowners for awarding enhanced compensation at Rs.500/- per square foot is unsustainable both in law and on facts.

12.1 The reference court proceeded to conduct a joint trial in all original petitions based on the memo filed by the claimants and endorsed by the learned Government Pleader who appeared for the referring officer and the requiring body, expressing his no objection to conduct a joint trial in all original petitions.

12.2 During the enquiry before the Reference Court, oral and documentary evidence were let in by the parties in the lead case in LAOP No.608 of 2021. On the side of the claimant(s), K.B. Mahesh, the claimant in L.A.O.P. No.608 of 2021, examined himself as C.W.1 and adduced Ex.C.1 to Ex.C.14. On the side of the referring officer, the Deputy Tahsildar (LA), Kannan Kottai - Thervoy

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Kandigai Reservoir Scheme, examined himself as R.W.1; however, no documentary evidence was adduced on the side of the claimants.

12.3. Altogether, 145 LAOPs were dealt with by the reference court (Principal District Judge) at Tiruvallur jointly, and as already stated supra, L.A.O.P.No.608 of 201 was taken to be the lead case.

13. The reference court has formulated the following questions to decide the matters:

1) Whether the impugned awards passed by the Land Acquisition Officer (Referring Officer) are fair and just?

2) Whether the claimants are entitled to get enhanced compensation? If so, what is the quantum?

3) Whether these claim petitions are to be allowed?

14.1 On appreciating the available oral and documentary evidence, the reference court, by common order dated 22.02.2024, found that the market values fixed by the 1st respondent/LAO were not just and fair. The reference court held

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that the claimants were entitled to get compensation at the enhanced market value together with all other statutory benefits for the enhanced compensation as against the market value fixed by the referring officer.

14.2 The details of the market value fixed by the 1st respondent/LAO and the market value determined by the reference court by common order under appeal for the enhanced compensation as against the market value fixed by the LAO are as follows:

Sl.No.	LAOP Number	Market value determined by the LAO Amount in Rupees Per Are	Market value determined by the reference court Amount in Rupees Per Are	Award Number & Date
1.	608 of 2021	Rs.17,300/-	Rs.29,640/-	1 of 2014 / 28.08.2020
2.	64 of 2019	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
3.	69 of 2019	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
4.	95 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 01.06.2018
5.	103 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
6.	122 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
7.	126 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
8.	171 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
9.	173 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 01.0.2018
10.	195 of 2020	Rs.19,770/-	Rs.29640/-	5 of 2013 / 01.06.2018
11.	387 of 2022	Rs.22,240/-	Rs.29,640/-	5 of 2013 / 14.09.2020
12.	196 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018

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13.	170 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
14.	51 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
15.	125 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
16.	49 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
17.	190 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
18.	728 of 2021	Rs.22,240/-	Rs.29,640/-	4 of 2014/ 16.09.2020
19.	97 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 01.06.2018
20.	108 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
21.	194 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
22.	200 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
23.	730 of 2021	Rs.19,770/-	Rs.29,640/-	3 of 2014 / 11.09.2020
24.	735 of 2021	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 15.09.2020
25.	731 of 2021	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 15.09.2020
26.	163 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
27.	70 of 2019	Rs.22,240/-	Rs.29,640/-	3 of 2013/ 16.04.2018
28.	98 of 2020	Rs.14,830/- Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018
29.	213 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018
30.	178 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
31.	214 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014/ 17.04.2018
32.	189 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
33.	1999 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
34.	187 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
35.	193 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
36.	169 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
37.	120 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2013 / 12.04.2018
38.	112 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
39.	85 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
40.	67 of 2019	Rs.17,300/-	Rs.29,640/-	1 of 2014 / 09.04.2018
41.	50 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2013 / 06.04.2018
42.	105 of 2020	Rs.19,770/- Rs.23,475/-	Rs.29,640/-	4 of 2013 / 30.04.2018
43.	217 of 2020	Rs.14,830/-	Rs.29,640/-	1 of 2014 / 24.04.2018
44.	211 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 12.04.2018

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45.	106 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
46.	87 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
47.	205 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
48.	219 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 24.04.2018
49.	184 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
50.	121 of 2020	Rs.19,770/-	Rs.29,640/-	3 of 2014 / 17.04.2018
51.	93 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2014 / 17.04.2018
52.	73 of 2019	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
53.	203 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
54.	47 of 2020	Rs.22,240/- Rs.19,770/-	Rs.29,640/-	1 of 2014 / 24.04.2018
55.	86 of 2020	Rs.14,830/-	Rs.29,640/-	1 of 2014 / 24.04.2018
56.	123 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
57.	197 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
58.	84 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
59.	102 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
60.	210 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
61.	179 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
62.	161 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
63.	618 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 12.04.2018
64.	180 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
65.	164 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
66.	162 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
67.	158 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
68.	130 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 12.04.2018
69.	160 of 2020	Rs.23,475/-	Rs.29,640/-	4 of 2013 / 30.04.2018
70.	192 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
71.	157 of 2020	Rs.23,475/-	Rs.29,640/-	4 of 2013 / 30.04.2018
72.	66 of 2019	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
73.	72 of 2019	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
74.	90 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
75.	109 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
76.	118 of 2020	Rs.19,770/-	R.29,640/-	4 of 2013 / 30.04.2018
77.	204 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
78.	208 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018

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79.	92 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
80.	713 of 2021	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 14.09.2020
81.	732 of 2021	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 15.09.2020
82.	91 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
83.	79 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
84.	206 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
85.	104 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
86.	802 of 2021	Rs.19,770/-	Rs.29,640/- Rs.23,475/-	4 of 2013 / 31.08.2020
87.	222 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
88.	172 of 2020	Rs.19,770/-	Rs.29,640/- Rs.23,475/-	4 of 2013 / 31.08.2020
89.	115 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
90.	159 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
91.	128 of 2020	Rs.19,770/-	Rs.29,640/-	1 of 2014 / 24.04.2018
92.	207 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018
93.	116 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018
94.	174 of 2020	Rs.14,830/- Rs.19,770/-	Rs.29,640/-	1 of 2014 / 24.04.2018
95.	88 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
96.	114 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2013 / 06.04.2018
97.	111 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
98.	166 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
99.	188 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
100.	215 of 2020	Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
101.	216 of 2020	Rs.23,475/- Rs.19,770/-	Rs.29,640/-	4 of 2013 / 30.04.2018
102.	96 of 2020	Rs.19,770/- Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
103.	81 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
104.	68 of 2019	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 01.06.2018
105.	83 of 2020	Rs.19,770/-	Rs.29,640/-	7 of 2013 / 09.04.2018
106.	127 of 2020	Rs.19,770/-	Rs.29,640/-	1 of 2014 / 24.04.2018

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107.	181 of 2020	Rs.19,770/-	Rs.29,640/-	1 of 2014 / 24.04.2018
108.	119 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2014 / 11.07.2018
109.	175 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
110.	176 of 2020	Rs.14,830/-	Rs.29,640/-	3 of 2014 / 05.04.2018
111.	198 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
112.	107 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
113.	124 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
114.	165 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2014 / 11.07.2018
115.	780 of 2021	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 25.09.2020
116.	770 of 2021	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 25.09.2020
117.	762 of 2021	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 25.09.2020
118.	760 of 2021	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 25.09.2020
119.	94 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
120.	801 of 2021	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 28.09.2020
121.	82 of 2020	Rs.14,830/-	Rs.29,640/-	1 of 2014 / 24.04.2018
122.	192 of 2021	Rs.19,770/-	Rs.29,640/-	2 of 2014 / 15.09.2020
123.	101 of 2020	Rs.22,240/-	Rs.29,640/-	6 of 2014 / 06.04.2018
124.	783 of 2021	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 25.09.2020
125.	224 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
126.	220 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 12.04.2018
127.	167 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
128.	183 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
129.	113 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 12.04.2018
130.	221 of 2020	Rs.19,770/-	Rs.29,640/-	5 of 2013 / 01.06.2018
131.	71 of 2019	Rs.19,770/- Rs.22,240/-	Rs.29,640/-	5 of 2014 / 17.04.2018
132.	129 of 2020	Rs.22,240/-	Rs.29,640/-	2 of 2014 / 09.07.2018
133.	209 of 2020	Rs.22,240/-	Rs.29,640/-	5 of 2013 / 12.04.2018
134.	89 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018
135.	48 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 24.04.2018
136.	80 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
137.	110 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
138.	117 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018

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139.	156 of 2020	Rs.22,240/-	Rs.29,640/-	7 of 2013 / 09.04.2018
140.	168 of 2020	Rs.22,240/-	Rs.29,640/-	1 of 2014 / 16.04.2018
141.	177 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
142.	182 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
143.	191 of 2020	Rs.22,240/-	Rs.29,640/-	3 of 2013 / 16.04.2018
144.	212 of 2020	Rs.23,475/-	Rs.29,640/-	4 of 2013 / 30.04.2018
145.	223 of 2020	Rs.19,770/-	Rs.29,640/-	6 of 2014 / 16.08.2018

Of which 110 appeal suits alone have been listed before this court for disposal, which are being disposed of by this common order, and the rest of the appeal suits which have been filed with a delay in preferring the appeal suits are at the filing stage.

15. The main grounds urged in the appeal memorandum (s) are as follows:

(i) The reference court has overlooked the provisions of Section 26(1) of the RFCTLARR Act, 2013.

(ii) The reference court has adopted the highest of sale exemplars instead of adopting the method prescribed under Section 26(1) of the RFCTLARR Act, 2013.

(iii) The reference villages are 60 kilometers away from the Chennai City and therefore, they come under the

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category of rural area and as such the multiplier method adopted by the reference court is not correct and it should have been '2' instead of 1.25.

(iv) The claim of the claimants in some of the cases for enhanced compensation for superstructure, wells / bore wells, trees and other attachments to the acquired land was not properly considered by the reference court. The order of the reference court setting off the value of superstructure and other assets and things attached to the acquired land for the depreciation value of the acquired land is against law.

(v) The reference court erred in not considering the claim of the landowners for a direction to the authorities concerned to make a provision for burial/cremation ground with all facilities.

17. In the light of the above grounds, the points that arise for consideration are:

(1) Are the claimants/appellants still eligible for higher compensation?

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(2) Whether the claimants, in some of the cases where superstructure, wells/bore wells and trees were involved, are entitled to get enhanced compensation thereof?

(3) Whether the appellants/claimants are entitled to infrastructural amenities under RFCTLARR Act, 2013?

(4) To what other relief the appellants/claimants are entitled?

16. Heard the learned counsel for the appellants/claimants and the respective learned law officers on behalf of the respondents 1 & 2.

ARGUMENTS ON FAIR COMPENSATION:

Point No.1:-

Are the claimants/appellants still eligible for higher compensation?

17. The learned counsel for the claimants/appellants herein would submit that the claimants were poor agriculturists who relied solely on their agricultural

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income. The acquisition of their agricultural fields had a tremendous impact on their livelihood, since they lost their sole source of revenue. They are now jobless, which negatively impacts their living standards.

18. The learned counsel appearing for the appellants/claimants would strenuously submit that

(i) the reference court has overlooked the provisions of Section 26(1) of the RFCTLARR Act, 2013, which provides a mechanism for the assessment and determination of the market value of the acquired land by the LAO based on the approach which determines the highest amount, out of the two approaches set out in clause (a) and (b) of sub-section (1) of the Section 26 of the RFCTLARR Act, 2013;

(ii) the reference court has erred in considering only one sale deed out of 247 sale deeds, which according to the reference indicated the highest sale price. This approach of the reference court is not correct as there is substantial difference between the old and new Act in the assessment of the highest sale price and determination of the market value of the acquired land.

(iii) the reference court should have taken into account both the market

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value in other words guideline value specified under the Indian Stamp Act, 1899 for the registration of sale deeds in Kannan Kottai and Thervoy Kandigai Village where the acquired lands are situated as well as the average sale price, assessed and determined market value of the acquired land by adopting value whichever is higher as provided under sub-section (1) of Section 26 of the RFCTLARR Act, 2013.

19. The learned counsel for the claimants/appellants would further submit that the claimants, who stood to lose their lands in view of the acquisition and the acquisition had a significant impact in the livelihood of the claimants; the claimants were therefore unable to mobilize funds for the payment of court-fees as such they had to restrict the claim for enhancement of market value at Rs.50,000/- per are as against the market value determined by the reference court ranging between Rs.14,830/- and Rs.23,475/- per are. However, if this court finds that the market value determined by the reference court per are and the claimants would be entitled to higher compensation, they are ready to pay the appropriate court-fees for the enhanced compensation.

20. The learned counsel for the claimants/appellants herein would bring to

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the attention of this court various sale transactions that had taken place during the immediately preceding three years of the year in which such acquisition of land was proposed to be made taking through the exemplar sale deeds produced in the form of a typed set of papers in IV volumes.

21. According to the learned counsel for the claimants/appellants, the LAO as well as the reference court ought not to have discarded the sale exemplars which indicated higher price simply because the guideline value was not available, the guideline value was not matching or the sale value was high. Even if the sale transactions relate to the residential plots on the ground of small extent and government land are excluded, taking into account the rest of the sale exemplars for determining the average sale price as referred to in Explanation-1 of sub-section (1) of Section 26, had one-half of the total number of sale deeds in which the highest sale price has been mentioned been taken into account, the claimants would have been adequately compensated. Such consideration was not made by the reference court; hence, the common judgment and decree in so far as the claimants/appellants herein are concerned require modification suitably by enhancing the compensation to not less than between Rs.1,00,00,000/- and Rs.3,00,000/- by considering the average sale price.

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22. The learned counsel for the appellants/claimants in support of his submissions would place much reliance on the judgment of the Hon'ble Supreme Court in the cases of

(i) **Special Land Acquisition Officer v. Karigowda and others,** [AIR 2010 SC 2322]

and of this court in the cases of

(i) **Union of India v. K.Rajeswari,** [2024 (5) CTC 588] and

(ii) **Anandan (Deceased) v. Union of India,** [2024 (6) CTC 794].

23.1 Per contra, the learned law officers appearing on behalf of the respondents, while admitting the fact that the cases on hand come under Section 24(1)(a) of the RFCTLARR Act, 2013, and as such, would fairly concede that the entire approach of the reference court while assessing the market value of acquired lands was wrong, as it had overlooked the provision in Section 26 of the RFCTLARR Act, 2013.

23.2 The law officers would further contend that the notifications for acquisition of various extents of land in the cases on hand were issued between

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06.06.2013 and 24.07.2013, and therefore Ex.C.1 lease deed cannot be taken into consideration. Further, according to them, Ex.C.6 is a sale deed dated 16.12.2013 in respect of 1076 square feet of housing site comprised in S.No.89/7 of Madharpakkam village, Gummidipoondi Taluk. This also cannot be taken into consideration as it relates to post 4(1) notifications and that by that time, considerable development had taken place in the area around the SIPCOT.

23.3 The law officers would further contend that, Ex.C.5 is also a sale deed relating to a small-sized housing plot. Though the transfer under Ex.C.5 was made on 20.07.2012, which was long before the immediately preceding three years of the year in which the acquisition of land was proposed to be made, it also relates to the transfer of a small-sized housing plot measuring 1317 square feet comprised in S.No.183/2A1A1 of Madharpakkam village, Gummidipoondi Taluk. Therefore, Ex.C.5 sale deed also cannot be taken into consideration since a large extent of land was acquired, and when the acquired land is vast, a small extent of sale transactions, particularly the sale of small-sized housing plots, cannot be taken into consideration for the assessment and determination of the market value of the acquired lands.

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23.4 The learned law officers would further contend as follows:

(a) Though the notification under Section 4(1) of the LA Act, 1894, expressing the intent of the government to acquire the lands in Kannan Kottai and Thervoy Kandigai Village in Gummidipoondi Taluk, Tiruvallur District, was published in June and July 2013, the administrative sanction was made as early as on 24.01.2012, and sensing the acquisition proceedings in 2012 itself, the landowners in the villages had got up the sale price, and many of the transactions that had taken place after the administrative sanction for acquisition of land on 24.01.2012 were not bona fide transactions.

(b) Considering the fact that the sale price mentioned in many of the sale exemplars was either not indicative of actual prevailing market value in the area or not matching with the guideline value, the LAO had outrightly discounted them from the purview of consideration for the assessment and determination of market value of the acquired lands.

(c) In the absence of any other material produced on behalf of

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the claimants, there is no other option except to take into consideration the sale exemplars. On reassessment of the market value, if this court finds that the market value determined by the reference court is not fair and claimants are entitled to higher compensation, the sale exemplars in respect of house/residential plots, government lands, sales with respect to the period three years preceding the year in which notifications proposing acquisition were made, and the sale exemplars where the sale price is not indicative of prevailing market value may be excluded from consideration.

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

25.The claimants are now left in the lurch after the State, in exercising its eminent domain, compulsorily took away their agricultural holdings, which were their sole source of income. No doubt, the acquisition of lands from the claimants could have had a significant impact on their livelihoods, especially when they were dependent on agricultural land for their daily lives and economies.

26. Deprivation of livelihood is a serious concern because it undermines the

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abilities of the affected families, whose agricultural lands have been acquired by way of compulsory acquisition, to meet basic needs and maintain a decent standard of living. Therefore, undoubtedly, the claimants being land losers and affected by the compulsory acquisition, they must be compensated with fair compensation.

27. Though land acquisition proceedings were originally initiated under the LA Act, 1894, and notifications under Section 4(1) of the LA Act, 1894, between 06.06.2013 and 24.07.2013, for the acquisition of different extents of land in Kannan Kottai and Thervoy Kandigai Villages, awards were not passed under the LA Act, 1894, and acquisition proceedings were pending for award enquiries; indisputably, on coming into force, the RFCTLARR Act, 2013, with effect from 01.01.2014, Section 24 of the RFCTLARR Act, 2013, was applied, and acquisition proceedings were to be continued under the RFCTLARR Act, 2013.

28. The issue relating to the determination of market value as of 01.01.2024 in respect of cases falling under Section 24(1)(a) of the RFCTLARR Act, 2013, is no longer *res integra*. Therefore, in the light of the settled law in the case where acquisition proceedings were initiated under the LA Act, 1894 and award under

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Section 11 of the LA Act, 1894 has been made, then, all the provisions of the RFCTLAAR Act, 2013 shall apply and the reference date for calculation of market value under Section 24(1)(a) of the RFCTLARR Act, 2013 shall be 01.01.2014, the date of commencement of the RFCTLARR Act, 2013.

29. Sub-section (1) of section 26 of the RFCTLARR Act, 2013, reads as follows:

> "**26. Determination of market value of land by Collector.** – (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely: —
>
> (a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
>
> (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
>
> (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects,
>
> whichever is higher:
>
> Provided that the date for determination of market value shall be the date on which the

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notification has been issued under section 11.

Explanation 1. —The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value."

30.1 Thus, sub-section (1) of 26 of the RFCTLARR Act, 2013, provides for a mechanism for the assessment and determination of the market value for the acquired land by the Collector based on the approach which determines the

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highest amount out of the three approaches enlisted therein. Explanations thereunder, particularly Explanation 1 and 2, clearly show that the procedure to determine the market value of the acquired land by the collector.

30.2 Thus, it is evident that there is a substantial difference between the Land Acquisition Act, 1984 and the RFCTLARR Act, 2013 in the matter of assessment and determination of market value.

30.3 Under Section 26 the RFCTLARR Act, 2013 to determine the market value of the acquired land, the LAO must assess the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated and the average sale price for similar type of land situated in the nearest village or nearest vicinity area and adopt the value whichever is higher to determine the market value of the acquired land.

30.4 Clause (c) to Sub-section (1) of Section 26 of the RFCTLARR Act, 2013, would not be applicable to the instant cases, as the acquisition is for a public purpose for the formation of a reservoir. Thus, clauses (a) and (b) alone would apply.

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ASSESSMENT OF MARKET VALUE (GUIDELINE VALUE):

31. There were 18 different awards passed by the LAO in respect of the lands acquired from the claimants. Most of the exemplar sale deeds are common in all the awards. The reference court took into consideration 247 documents in respect of the sale transaction that took place between 17.06.2010 and 17.06.2013. Those documents were considered by the LAO while passing the award vide Award No.1 of 2014 dated 09.04.2018.

32. The reference court after rejecting 246 out of 247 sale exemplars on various grounds adopted sale exemplar (Sl.No.215) to determine the market value of the acquired lands as Rs.29,640/- per are. This was the method to be followed in the case of the acquisition under the LA Act, 1894 and not under the RCTCLARR Act, 2013. Thus, this approach of the reference court is apparently incorrect in law.

33. Though reference court was not in agreement with the conclusion of the LAO with respect to the assessment and determination of the market value of the acquired land as the LAO had rejected almost all the sale exemplars on the ground that either the sale values were high, guidelines were not available, or guideline

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values were not matching or not indicative of prevailing market values, upon analyzing the sale exemplars, it shortlisted the sale exemplars for consideration. The details of the documents shortlisted by the reference court in this regard are tabulated hereunder:-

Kannan Kottai Village								
Sl. No.	Sl. No. mentioned in the impugned award	Doc. No.	Date of the Document	Survey No.	Extent (Acre)	Value of the sale as per document (Rs)	Rate fixed per Are (Rs)	**Guide-line Value**
1.	51	3406	25.06.2012	284/5	0.23.3 Acres	213750	22230	22240
2.	52	3887	13.07.2012	289/3	0.39. ½ Acres	355500	22230	22240
3.	53	3888	13.07.2012	275/7, 275/9	0.70. ½	634500	22230	22240
4.	54	13	02.01.2013	189/10	0.12	96000	19760	19770
5.	55	1619	20.03.2013	289/5	0.08	72000	22230	22240
6.	56	1985	03.04.2013	289/5	0.08	72000	22230	22240
7.	57	2065	08.04.2013	284/3	0.38	342000	22230	22240
8.	58	3068	29.05.2013	145/2B	0.35	420000	29640	22240
9.	189	2514	02.05.2012	214/3C, 214/5,	0.15	135000	22230	22240
10.	190	3367	21.06.2012	310/4	0.27	243000	22230	22240
11.	191	3368	21.06.2012	302/3, 301/4, 301/6	1.76.3	795375	11115	22240
12.	192	3389	25.06.2012	255/6	0.05	40000	19760	19770
13.	193	3403	25.06.2012	196/2	0.11	99000	22230	22240

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14.	194	3408	25.06.2012	192/8, 199/6, 191/6	0.52	468000	22230	22240
15.	195	5572	10.10.2012	318/8	0.25	225000	22230	22240
16.	196	5573	10.10.2012	318/5	0.28	252000	22230	22240
17.	197	5738	17.10.2012	319/11	0.15	135000	22230	22240
18.	198	5866	22.10.2012	195/4	0.14	126000	22230	22240
19.	199	6206	15.11.2012	203/17	0.35	315000	22230	22240
20.	200	7129	27.12.2012	248/2	0.06	45000	22230	22240
21.	201	7131	27.12.2012	18/6 180/7	0.19	152000	19760	19770
22.	202	1123	28.02.2013	329/4	0.53	152000	32308	80 per sq. ft.
23.	203	1603	20.03.2013	191/12	0.06	54000	22230	22240
24.	204	1605	20.03.2013	321/7	0.44	396000	22230	22240
25.	205	1606	20.03.2013	191/4	0.4	360000	22230	22240
26.	206	1607	20.03.2013	311/12, 311/19	0.25	225000	22230	22240
27.	207	1827	27.03.2013	203/9	0.37	333000	22230	22240
28.	208	1840	27.03.2013	194/3	0.12	108000	22230	22240
29.	209	1841	27.03.2013	204/1, 171/3, 191/2, 172/9 184/2C	0.53	1482000	69066	22240
30.	210	1842	27.03.2013	216/2	0.37	333000	22230	22240
31.	211	1856	27.03.2013	217/4, 217/8, 178/1, 179/2	1.08	999000	20790	22240
32.	212	1893	01.03.2013 28.03.2013	203/18, 184/9	0.32	263000	20300	22240

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33.	213	1894	27.03.2013 28.03.2013	218/3, 218./5, 218/8	0.57	513000	22230	22240
34.	214	1885	04.03.2013 28.03.2013	94/6, 194/7, 201/8, 202/6, 215/5, 184/10B	0.96	1097500	28091	22240
35.	215	**1925**	**01.04.2013**	**249/5**	**0.03**	**36000**	**29640**	**29655**
36.	216	1926	01.04.2013	298/3	0.58	580000	24700	24710
37.	217	1927	01.04.2013	298/3	0.26	260000	24700	24710
38.	218	2010	04.04.2013	215/7, 218/6, 215/8 218/16 218/4 218/7, 215/3	0.08	976500	301494	22240
39.	219	2013	04.04.2013	211/2	0.08	64000	19760	19770

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40.	220	2014	04.04.2013	261/9, 212/ 10 212/6, 213/2 213/6	0.51.	471000	22591	24710
41.	221	2259	17.04.2013	245/4	0.07	60000	19760	80 per sq. ft.
42.	222	2288	18.04.2013	214/6	0.16	144000	22230	22240
43.	223	2289	18.04.2013	204/3	0.15	135000	22230	22240
44.	224	2290	18.04.2013	202/4	0.15	135000	22230	22240
45.	225	2927	22.04.2013	259/7	0.06	48000	19760	19770
46.	226	3069	29.05.2013	259/5	0.1	80000	19760	19770

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47.	227	3070	29.05.2013	296/14, 321/12	0.44	440000	24700	24710
48.	228	3176	03.06.2013	311/11, 311/14	0.33	301500	22230	22240
49.	229	3177	03.06.2013	304/4 304/2	0.34	306000	22230	22240
50.	230	3196	03.04.2013 04.06.2013	311/9, 311/15	0.17	157500	22230	22240
51.	231	3197	04.06.2013 03.04.2013	299/5	0.1	90000	22230	22240
52.	232	3198	06.05.2013 06.06.2013	320/56, 320/3, 320/7	0.26	575000	54720	22240

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53.	233	3199	06.05.2013	297/5, 312/1	0.16	279000	43071	22240

	Thervoy Kandigai Village							
	Sl. No. in the Document List of impugned award	**Document Number**	**Date of document**	**Survey Number**	**Extent (Acre)**	**Value of the sale as per document (Rs)**	**Rate fixed per Are (Rs)**	**Guideline Value**
54.	96	74	08.01.2013	4/7	0.20	140000	17290	17300
55.	82	3077	04.06.2012	34/1, 325/25, 325/ 25A	1635 sq. ft.	90000	59438	Not available
56.	83	3458	27.06.2012	95/9	0.10	75000	18525	18535
57.	86	6420	23.11.2012	90/4	0.33	257500	18525	18535
58.	89	346	28.01.2013	41/1A2	0.10	70000	17290	17300

34. The reference court, upon assessing the sale value and guideline values prescribed for different survey fields, considered a sale exemplar under Sl.No.215, which, according to the reference court, indicated the highest bona fide market value and determined the market value of the acquired land.

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35. This court has gone through the guideline value fixed for various survey numbers in Kannan Kottai and Thervoy Kandigai Villages in Gummidipoondi Taluk in Tiruvallur District.

36. The tabular column shows that different guideline values are set for the land located in various survey fields. As already discussed supra, the reference court, based on the highest sale exemplar, determined the market value as Rs.29,640/- per are invariably for all the lands.

37. Evidently, as already discussed supra, the LAO had overlooked the provisions in Section 26(1) and failed to adopt the method which assesses the highest market value out of the options as provided under sub-Section (1) of Section 26 of the RFCTLARR, 2013, more particularly the options provided under clauses (a) and (b). On this score the market value determined by the reference court is not sustainable, and this court must necessarily redo the assessment of the market value for the determination of the market value of the acquired land in terms of Section 26(1) of the RFCTLARR Act, 2013, for fixation of fair compensation.

GUIDELINE VALUE AS SPECIFIED IN INDIAN STAMP ACT, 1899:

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38. Let us now assess the market value (guideline value) fixed in respect of the lands as specified in the Indian Stamp Act, 1899 for the registration of sale deeds in Kannan Kottai and Thervoy Kandigai village where the acquired lands are situated. It is seen from the available records that the guideline values vary for each survey field. The highest guideline value, as could be seen from the list mentioned above, is found to be Rs.29,655/- per are. Though the lands were acquired in different survey numbers under different acquisition proceedings, indisputably, they were adjacent to each other and are acquired for the same purpose.

39. In the case of **Ali Mohammad Beigh and others v. State of Jammu and Kashmir** [(2017) 4 SCC 717], the Hon'ble Supreme Court has held that it would be unfair to discriminate between the appellants/land owners and the land owners in the other references, when lands located in two different villages in the same neighbourhood are acquired simultaneously and for the same purpose unless there are strong reasons.

40. In the light of the above settled legal position, for the lands acquired from the claimants situated in Kannan Kottai and Thervoy Kandigai village for the

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purpose of formation of a new reservoir, in the absence of any evidence from the respondents demonstrating strong reasons, this court is of the considered view that showing discrimination among the claimants would not be fair. Therefore, as provided under clause (a) of sub-section (1) of Section 26 of the RFCTLARR Act, 2013, based on the materials available on record, this court concludes that the guideline value of the acquired lands could be assessed as Rs.29,655/- per are.

AVERAGE SALE PRICE:

41. Let us now assess the average sale price as required under clause (b) of sub-section (1) of Section 26 of the RFCTLARR Act, 2013 by considering the sale exemplars registered for similar type of area in the nearby village or nearby vicinity. In the instant case, though acquisition was originally initiated under the LA Act, 1894 and notifications under Section 4(1) of the LA Act, 1894 were issued between 06.06.2013 and 24.07.2013, as already discussed, on the RFCTLAAR Act, 2013 coming into force with effect from 01.01.2014, the market value for acquired lands, will be assessed based on Section 26(1) of the RFCTLARR Act.

42. There is already a list of sale exemplars available on record, which was

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not considered properly by the reference court as provided under Section 26(1) of the RFCTLARR Act, 2013.

43. The learned counsel for the claimants bringing notice of the developments that had already taken place after the establishment of SIPCOT Industrial Park in 1983 and the developments that are taking place in and around the subject villages to this court and taking this court through the sale exemplars compiled in the form of a tabular column enclosed in the synopsis produced at the time of arguments, would strenuously submit that the market value fixed by the reference court was not correct and not commensurate with the prevailing market value.

44. The learned counsel for the claimants would assertively submit that Kannan Kottai and Thervoy Kandigai village are located near Gummidipoondi, and that the neighbourhoods surrounding Gummidipoondi are rapidly growing because of the rise in the sale of home plots. Gummidipoondi is very well connected by both road and rail facilities. The CMDA limit has been expanded to include Gummidipoondi. Even before the proposal for acquisition of lands was announced in the year 2013, the nearby properties within 1.5 kilometres radius

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were being sold for at least Rs.150 per square foot.

45. In short, the learned counsel for the claimants would assertively submit that the reference court had completely failed to determine the market value in conformity with the requirements in subsection (1) of section 26 of the RFCTLARR Act, 2013.

46. Following a lengthy argumentation, the learned counsel would take this court through the provision of Section 26 of the RFCTLARR Act, 2013, which provides that the land acquisition authority must determine the average sale price by taking one-half of the total number of sale deeds with the highest price reflected.

47. In addition, the learned counsel for the claimants would submit that the reference court has failed to adopt the multiplier factor "2" as outlined in the First Schedule to the RFCTLARR Act, 2013 determine the compensation.

48. No doubt, the individual landowners who have been unavoidably deprived of their property rights in land must be fairly compensated for the loss keeping in view the sacrifice they have to make for the larger interests of the community.

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49. Coming to the assessment of average sale price as set out under clause (b) of Section 26(1) of the RFCTLARR Act, 2013, there were 18 awards passed in respect of the subject lands. Many of the sale exemplars are commonly considered in all the awards. It was therefore necessary to avoid those repeated sale particulars.

50.1 From the statements of particulars shown in the tabular column annexed to the synopsis submitted on behalf of the claimants, this court was able to compile 484 sale exemplars which were rejected by the LAO as well as the reference court. It is seen from each of the awards that there were sale exemplars relating to housing sites/residential plots found and considered by the LAO as well as the reference court, and those sales were rightly rejected by them, as when a large extent of land was acquired, small-sized residential plots sold on a square-foot basis cannot be considered.

50.2 Therefore, it is necessary for this court to shortlist those sale exemplars from 484 to 47 after excluding the sale deeds, which were invariably the subject matter of consideration in all the awards, reflecting similar values, housing sites/residential plots, Government lands, and the sale exemplars relate to the year (2013) in which the notifications were issued. Therefore, this court must go by the

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available 47 sale exemplars to assess the market value of the acquired land. Accordingly, this court shortlisted the sale exemplars.

51. The details of those shortlisted sale deeds are tabulated hereunder:

Serial No.	Typed set Volume Number	Page No.	SL. No.	Value in AREs	Doc. No.	Doc. Date
1.	3	743	202	158996	4276	03.08.2012
2.	3	534	132	99866	4277	03.08.2012
3.	1	233	110	97861	4274	03.08.2012
4.	1	232	99	88394	2368	24.04.2012
5.	1	226	27	88179	2788	30.06.2011
6.	2	498	286	86745	5812	19.10.2012
7.	3	689	170	86376	4276	03.08.2012
8.	3	690	173	86340	5324	28.09.2012
9.	2	498	285	86301	5717	24.09.2012
10.	3	688	161	86284	2368	24.04.2012
11.	3	644	161	86253	4734	30.08.2012
12.	3	689	169	86221	4274	03.08.2012
13.	1	234	114	86187	5324	28.09.2012
14.	3	535	134	86154	5324	28.09.2012

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15.	2	348	108	86153	5324	28.09.2012
16.	1	234	115	80090	5327	28.09.2012
17.	3	690	174	79800	5327	28.09.2012
18.	2	348	109	79692	5327	28.09.2012
19.	1	234	111	78290	4276	03.08.2012
20.	***1***	***229***	***67***	***73482***	***5962***	***14.12.2011***
21.	***1***	***231***	***88***	***68090***	***1487***	***21.03.2012***
22.	***1***	***228***	***49***	***61676***	***4016***	***07.09.2011***
23.	***1***	***225***	***18***	***61585***	***4311***	***27.10.2010***
24.	***1***	***228***	***50***	***60860***	***4017***	***07.09.2011***
25.	***1***	***229***	***61***	***60762***	***4912***	***31.10.2011***
26.	***2***	***498***	***280***	***59438***	***3077***	***04.06.2012***
27.	***2***	***306***	***17***	***57966***	***3071***	***28.07.2010***
28.	***1***	***231***	***87***	***55970***	***1486***	***21.03.2012***
29.	***1***	***225***	***17***	***54669***	***4310***	***27.10.2010***
30.	***1***	***224***	***5***	***54340***	***4914***	***31.10.2011***
31.	***2***	***496***	***257***	***54163***	***3496***	***31.08.2010***
32.	**1**	**225**	**15**	**54093**	**4308**	**27.10.2010**
33.	**2**	**497**	**273**	**54086**	**5291**	**18.11.2011**
34.	3	685	108	54042	3639	17.08.2011
35.	4	776	52	54031	5962	14.12.2011
36.	2	497	275	53985	688	15.02.2012
37.	3	736	118	53956	642	17.02.2011

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38.	1	188	79	53955	642	17.02.2011
39.	3	687	143	53929	1390	15.03.2012
40.	3	688	147	53921	1486	21.03.2012
41.	1	229	59	53910	4908	31.10.2011
42.	2	342	48	53900	3639	17.08.2011
43.	3	688	148	53897	1487	21.03.2012
44.	1	194	136	53846	1643	26.03.2012
45.	1	229	60	53056	4911	31.10.2011
46.	1	183	39	45969	3670	17.08.2011
47.	1	229	62	42237	4913	31.10.2011

52. As already discussed in the preceding paragraphs of this judgement, as per the list of market guideline values maintained by the Registration Department as specified in the Indian Stamp Act, 1899, for the registration of sale deeds in the area where the land is situated, the guideline value of the property was Rs.29,655/- per are. No doubt, the market value of the properties in the subject villages has rocketed after the SIPCOT Industrial Park was established in 1983. The SIPCOT Industrial Park is admittedly on the border of Kannan Kottai village. The potentiality of the acquired land was not all denied by R.W.1 in his cross-

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examination.

53. Placing much reliance upon Ex.C.1 lease deed, the learned counsel for the claimants made an attempt to draw the attention of this court to the fact that as per Ex.C.1, the market rate of the land in the area was Rs.1,23,578/- per are. This court, however, does not find any illegality in the findings of the reference court in discarding Ex.C.1-Supplementary Lease Deed dated 11.09.2013 entered between SIPCOT Limited and M/s. Metal Powder Company Limited. The reference court rightly discarded Ex.C.1 from consideration, as the lease was given after the land was developed by the SIPCOT. Furthermore, as per section 26(1) of the RFCTLARR Act, 2013, the market value specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell in the area where the land is situated alone could be taken into consideration for assessing and determining the market value of the acquired land.

54. Insofar as Ex.C.5 and Ex.C.6 are concerned, admittedly, they relate to the sale of small-sized housing plots situated in the neighbourhood. Therefore, those sale deeds cannot be taken into consideration because the land acquired in question is a large extent of land, and the same was, admittedly, agricultural land

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and not fully developed.

55. Under these circumstances, this court has no choice but to reassess the average sale price based on the shortlisted sale exemplars because the claimants have not submitted any more exemplar sale deeds pertaining to sizable tracts of agricultural land sold in acres to demonstrate the market value of the acquired lands.

56. In the case of **Special Land Acquisition Officer v. Karigowda** [AIR 2010 SC 2322], upon which much reliance was placed by the learned counsel for the claimants, the Honourable Supreme Court has held that sale instances of adjacent villages can be made the basis for determining the fair market value and the power of compulsive acquisition has an inbuilt element of duty and responsibility upon the State to pay the compensation which is just, fair and without delay. Thus, it will be appropriate to apply the rule of plain interpretation to the provisions of this Act. The relevant paragraph of the above said judgement reads as follows:

> "64. It is a settled principle of law that lands of adjacent villages can be made the basis for determining the fair market

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value of the acquired land. This principle of law is qualified by clear dictum of this Court itself that whenever direct evidence i.e. instances of the same villages are available, then it is most desirable that the court should consider that evidence. But where such evidence is not available court can safely rely upon the sales statistics of adjoining lands provided the instances are comparable and the potentiality and location of the land is somewhat similar. The evidence tendered in relation to the land of the adjacent villages would be a relevant piece of evidence for such determination. Once it is shown that situation and potential of the land in two different villages are the same then they could be awarded similar compensation or such other compensation as would be just and fair"

57. Further, the learned counsel for the claimants placed much reliance on the judgments of the Division Bench of this Court this court in the case of (i) **Union of India v. K.Rajeswari,** [2024 (5) CTC 588] and (ii) **Anandan (Deceased) v. Union of India,** [2024 (6) CTC 794] in support of his submission that the highest market value out of the three options as provided under sub-section (1) of Section 26 of the RFCTLARR Act, 2013, has to be adopted as the market value for the determination of the compensation, more particularly as per the mechanism provided under clauses (a) and (b) of sub-section (1) of Section 26

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of the RFCTLARR Act, 2013.

58. Now coming to the assessment of average sale price, the market guideline values were found to vary almost in respect of lands situated in the area and this court has already considered the highest guideline value of Rs.29,655/- uniformly in respect of all pieces of land covered under different awards which are the subject matter of the appeal suits.

59. Guideline value is a Government-set benchmark for the collection of stamp duty and registration charges, while market value reflects the actual price buyers are willing to pay, influenced by supply and demand. Guideline values are used by the registration department for the registration documents, and it is not a measure of the property's true market value.

60. No doubt, the guideline value register is maintained by the registering authority only for fiscal purpose of collecting stamp duty and registration charges. In the context of property registration in Tamil Nadu, guideline value is not meant to be the same as market value.

61. The law until the RFTCLARR Act, 2013 came into force was that the market value mentioned therein could not form a foundation to determine the

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compensation under the LA Act, 1894, the market value should be determined on the hypothesis of the price fetched in the bona fide sale by a willing vendor who would agree to sell the lands to a willing vendee of the acquired land or the land in the neighbourhood possessed of similar features.

62. As already discussed supra, there is a significant difference between the Land Acquisition Act, 1984, and the RFCTLARR Act, 2013, in the matter of assessment of market value. In cases where the lands are acquired for public purposes, clauses (a) and (b) of sub-section (1) of Section 26 of the RFCTLARR Act, 2013, would apply. There is a mechanism provided for under sub-section (1) of Section 26 of the RFCTLARR Act, 2013, to assess and determine the market value of the acquired land. As per sub-section (1) of Section 26 of the RFCTLARR Act, 2013, if the land is acquired for the public purpose, the LAO is required to adopt the method which assesses the highest market value out of the two options as provided under Clauses (a) and (b) of sub-section (1) of Section 26 of the RFCTLARR Act, 2013.

63. It is settled law that the burden of establishing the market value of the lands is always on the claimants. Equally, the State must have been fair and

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reasonable in compensating the uprooted agriculturists. The legal principle is that the amount of compensation will always be determined by the particular facts and circumstances of the case, and that no absolute legal principle can be established as a cure-all that will always be applicable or able to be used as a legally binding precedent independent of the particular facts of a case.

64.1 In the case of *Mahabir Prasad Santuka v. Collector*, (1987) 1 SCC 587, the Hon'ble Supreme Court has held that market value means, the price which a purchaser is willing to pay for the similar land to a willing seller and further held the concessional rate offered to the industrialist does not indicate the market value and compensation must accurately reflect the market value and the court must ensure that the landowners are justly compensated in alignment with prevailing market conditions. The relevant paragraph of the judgement of the Hon'ble Supreme Court reads as follows:-

> "**4.** .... It is well settled that the owner of the acquired land is entitled to compensation on the basis of its market value. Section 23 of the Act lays down principles for determining compensation according to which the owner is

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entitled to receive market value of the land. Market value means what a willing purchaser would pay to a willing seller for the property having regard to the advantages available to the land and the development activities which may be going on in the vicinity and the potentiality of the land. On the evidence on record it is apparent that the land in dispute is adjacent to the industrial area of Charbatiya where a large number of factories including Orissa Textile Mills, Kalinga Tubes Ltd., and a number of other factories are situated. The evidence on record further indicates that even though the land was being used for agriculture purposes but it was fit for non-agricultural purposes and it had potentiality for future use as factory or building site. The learned Subordinate Judge on perusal of the oral and documentary evidence on record determined the market value of the land at the rate of Rs 15,000 per acre. The High Court held that since the State Government had been offering land situate in the adjacent Industrial Area to the industrialists at the rate of Rs 7500 per acre, the appellants were entitled to compensation at

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that rate. In our opinion the High Court committed error in taking that approach, as it had itself observed that the State Government had offered land to the industrialists to enable them to set up industries and the price of the land was offered to them at a concessional value with a view to induce them to set up factory. After making that observation High Court was not justified in determining the market value of the land at Rs 7500 per acre, as the offer of land to industrial entrepreneurs at concessional rate could not reflect the market value of the land."

64.2 In the case of **Land Acquisition Officer vs Jasti Rohini** [(1995) SCC (1) 717], the Hon'ble Supreme Court has held follows: -

"To solve the riddle, courts have consistently evolved the principle that the present value as on the date of the compulsory acquisition comprised of all utility reached in a competitive field as on the date of the notification and the price on which a prudent and willing vendor and a similar purchaser would agree. The value of the land shall be taken to be the amount that the land if sold in the open market by a willing seller might be expected to realise from a willing purchaser. A willing seller is a person who is a free agent to offer his land for sale with all its

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existing advantages and potentialities as on the date of the sale and willing purchaser taking all factors into consideration would offer to purchase the land as on the date of the sale. Future suitability or adaptability of the land for any purpose shall not be taken into account. The compensation must, therefore, be determined by reference to the price which a willing vendor might reasonably expect to obtain from a willing purchaser as on the date of the notification published under Section 4(1). The disinclination of the seller to part with his land and the urgent necessity of the vendee to purchase the land must, alike, be disregarded and neither of them must be considered as acting under compulsion."

65. On a careful assessment of a total number sale exemplars tabulated already in which the highest sale price has been mentioned coupled with the other available materials and keeping in mind the settled legal position in this regard and also taking judicial notice, this court is of the view that the sale price mentioned in the sale exemplars under Serial Nos. 1 to 19 are not indicative of actual prevailing market value, and therefore, they must be discounted from consideration for the purposes of calculating market value as provided under Explanation-4. Therefore, the sale exemplars have to be further reduced. When that is done so, as per Explanations 1 & 2, the total available sale deed is hardly

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28. They are tabulated as under:-

1.	***1***	***229***	***67***	***73482***	***5962***	***14.12.2011***
2.	***1***	***231***	***88***	***68090***	***1487***	***21.03.2012***
3.	***1***	***228***	***49***	***61676***	***4016***	***07.09.2011***
4.	***1***	***225***	***18***	***61585***	***4311***	***27.10.2010***
5.	***1***	***228***	***50***	***60860***	***4017***	***07.09.2011***
6.	***1***	***229***	***61***	***60762***	***4912***	***31.10.2011***
7.	***2***	***498***	***280***	***59438***	***3077***	***04.06.2012***
8.	***2***	***306***	***17***	***57966***	***3071***	***28.07.2010***
9.	***1***	***231***	***87***	***55970***	***1486***	***21.03.2012***
10.	***1***	***225***	***17***	***54669***	***4310***	***27.10.2010***
11.	***1***	***224***	***5***	***54340***	***4914***	***31.10.2011***
12.	***2***	***496***	***257***	***54163***	***3496***	***31.08.2010***
13.	**1**	**225**	**15**	**54093**	**4308**	**27.10.2010**
14.	**2**	**497**	**273**	**54086**	**5291**	**18.11.2011**
15.	3	685	108	54042	3639	17.08.2011
16.	4	776	52	54031	5962	14.12.2011
17.	2	497	275	53985	688	15.02.2012
18.	3	736	118	53956	642	17.02.2011
19.	1	188	79	53955	642	17.02.2011
20.	3	687	143	53929	1390	15.03.2012
21.	3	688	147	53921	1486	21.03.2012

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22.	1	229	59	53910	4908	31.10.2011
23.	2	342	48	53900	3639	17.08.2011
24.	3	688	148	53897	1487	21.03.2012
25.	1	194	136	53846	1643	26.03.2012
26.	1	229	60	53056	4911	31.10.2011
27.	1	183	39	45969	3670	17.08.2011
28.	1	229	62	42237	4913	31.10.2011

66. With the above 28 bonafide sale exemplars, this court has to assess the average sale price by considering one half of the total number of sale deeds, i.e., the first 14 out of a total of 28 sale deeds.

67. The guideline value has already been determined by this court as Rs.29,655/-. The sale transaction which indicates the highest market value was already rejected by this court, as the market value of the properties which were subject matters of those sale deeds were found not to be indicative of prevailing market value in the area. The project villages are part of Gummidipoondi Taluk in Tiruvallur District and situated near Gummidipoondi Town Panchayat. Moreover, the project villages. Gummidipoondi is part of the expanded Chennai Metropolitan Region, bordering Chennai.

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68. The market value is nothing but an amount that a willing seller might expect to receive from a prudent willing buyer if the land were sold on the open market, which will be considered the market value. The compensation must, therefore, be determined by reference to the price which a willing vendor might reasonably expect to obtain from a willing purchaser as on the date of the notification published under Section 4(1).

69. Considering all the above factors, particularly, the industrial and housing developments in the project villages where the SIPCOT Industrial Park was established in 1983 itself; this court is of the view that no vendor would have sold his property for a value less than the guideline value. The market value in and around the project villages would not have been less than between Rs.40,000/- and Rs.75,000/- per are.

70. The available 14 sale deeds out of one-half of total sale deeds (14 out of 28 already shortlisted) are tabulated hereunder for easy and better understanding:

Serial No.	Typed set Volume No.	Page No.	Serial No.	Value in AREs	Doc. No.	Doc. Date

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1.	1	229	67	**73482**	5962	14.12.2011
2.	1	231	88	68090	1487	21.03.2012
3.	1	228	49	61676	4016	07.09.2011
4.	1	225	18	61585	4311	27.10.2010
5.	1	228	50	60860	4017	07.09.2011
6.	1	229	61	60762	4912	31.10.2011
7.	2	498	280	59438	3077	04.06.2012
8.	2	306	17	57966	3071	28.07.2010
9.	1	231	87	55970	1486	21.03.2012
10.	1	225	17	54669	4310	27.10.2010
11.	1	224	5	54340	4914	31.10.2011
12.	2	496	257	54163	3496	31.08.2010
13.	1	225	15	54093	4308	27.10.2010
14.	2	497	273	54086	5291	18.11.2011
				831180		
Average sale price of one-half of the total number of sale deeds (48 ÷ 2 = 14) in which the highest sale price has been mentioned works out to				59370 per are		

Accordingly, the average sale price is assessed at Rs.59,370/- per are.

71. Thus, it is evident from the discussions made above, the average sale price assessed at Rs.59,370/- per are is higher than the guideline value

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assessed. For comparison and better understanding, the guideline value and the average sale price are tabulated hereunder:

Guideline value	Average sale Price
Rs.29,655/- per are	**Rs.59,370/- per are**

The average sale price assessed at Rs.59,370/- may be rounded up to Rs.60,000/- per are.

72. As already discussed above, the market value (guideline value) of the acquired property is assessed at Rs.29,655/- per are, and the average sale price is assessed at Rs.60,000/- per are. Between these two, whichever is the higher value has to be taken to be the market value of the acquired land to determine the market value as provided under sub-section (1) of Section 26 of the RFCTLARR Act. So, the average sale price, which comes to Rs.60,000/-, must be taken as the market value rather than the market value (guideline value) of Rs.29,655/- per are.

73. Accordingly, the market value of the acquired land(s) is redetermined at Rs.60,000/- per are.

<u>ADOPTION OF MULTIPLIER FACTOR</u>:

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74. The learned counsel for the claimants would submit that the multiplier factor of 1.25 adopted by the reference court is ex facie illegal. The acquired lands are situated in Kannan Kottai and Thervoy Kandigai. The said villages are situated 60 kilometers away from the urban area, and they fall under the rural area category. Therefore, the multiplier that ought to have been adopted must be 2.00.

75. Insofar as the adoption of the multiplier is concerned, the learned law officers would contend that the subject villages situated within 30 kilometres from Gummidipoondi which is a Town Panchayat and comes within the definition of urban area. Therefore, there is no illegality in the reference court's finding of the reference court regarding adoption of the multiplier factor '1.25' and the same is perfectly right and is in tune with the RCTCLARR Act, 2013 and the rules framed thereunder.

76. This court has considered the rival submission advanced on the adoption of multiplier factor.

77. The term **"urban area"** has been defined in clause (n) of sub-rule (1) to Rule 2 of the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017, which reads as under: -

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(i) the area (including village panchayats) lying within the territorial limits of the Chennai Metropolitan Development Authority;

(ii) Municipal Corporations having a population of 5 lakhs and above as per 2011 census (i.e. Madurai, Tiruchirappalli, Salem, Coimbatore and Tirunelveli Municipal Corporations, except Chennai City Municipal Corporation) and the area (including Village Panchayats) that falls within 8 kilometers distance from the limits of the said Municipal Corporations;

(iii) all other Municipal Corporations, Municipalities, Town Panchayats, Cantonments and Townships; and

(iv) any other area that may be notified as urban area by the State Government from time to time."

78. Admittedly, the subject villages – Kannan Kottai and Thervoy Kandigai are close to Gummidipoondi. Gummidipoondi became a town after it was declared a taluk in 1972. No doubt, the project villages form part of

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Gummidipoondi Taluk in Tiruvallur District. Gummidipoondi is admittedly a town panchayat which does not include the project villages. The villages Kannan Kottai and Thervoy Kandigai do not fall under the category "urban area", and they are rural areas as per the TN Rules, 2017. The project villages Kannan Kottai and Thervoy Kandigai are situated 28 kilometers (approx.) and 25 kilometers (approx.) away from Gummidipoondi Town Panchayat, respectively.

79. The Government in its Order in G.O.(Ms) No.300, Revenue & Disaster Management (LA-I(1), dated 20th September 2017, notified in the Tamil Nadu Government Gazette Extraordinary No.300, dated 21.9.2017 prescribed that in the case of rural areas, the provision under Sl. No.2 of First Schedule of the said Act first cited prescribes the factor by which the market value is to be multiplied as 1 to 2 based on the distance of the project from urban areas. Accordingly, the multiplier factor has been issued in the G.O. third cited and notified in the Tamil Nadu Government Gazette fourth cited as given below: -

Sl. No.	**Distance of the Project from Urban Areas**	**Factor by which the market value is to be multiplied**

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(1)	**(2)**	**(3)**
1.	Within 30 Kilometres	1.25 (i.e. 250%)
2	Beyond 30 Kilometres and within 50 Kilometres	1.50 (i.e. 300%)
3	Beyond 50 Kilometres	2.00 (i.e. 400%)

80. In the light of the definition given under the clause (n) of sub-rule (1) to Rule 2 of the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017, indisputably, the project villages fall under the category of rural areas. Therefore, in respect of the lands acquired in the project villages as per the First Schedule to the RFCTLARR Act, 2013 r/w Section 31(2) of the RFCTLARR Act, 2013, the factor by which the market value has to be multiplied will have to be "1.00 and 2.00" based on the distance of project from urban area as per G.O.(Ms) No.300, Revenue & Disaster Management (LA-I(1), dated 20th September 2017, which was notified in the Tamil Nadu Government Gazette Extraordinary No.300, dated 21.09.2017, and the factor by which the market value is to be multiplied for a project area which is situated within 30 kilometers from an urban area (Gummidipoondi Town Panchayat) is 1.25 (250%).

81. The reference villages Kannan Kottai and Thervoy Kandigai are part of

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Gummidipoondi Taluk in Tiruvallur District. Gummidipoondi is a town panchayat located at the outskirts of Chennai. It has a mix of urban and rural characteristics. Gummidipoondi is known for its industrial growth. SIPCOT industrial park was established way back in 1983. The reference court, considering the industrial and housing developments in and around the project villages and the proximity of the project villages to the urban area and the Chennai City Corporation limits, has rightly applied the multiplier factor ‘1.25” G.O.(Ms) No.300, Revenue & Disaster Management (LA-I(1), dated 20th September 2017. This court does not find any illegality in the same. Thus, this court is of the view that the argument of the learned counsel for the claimants that the reference court should have accepted multiplier factor 2 considering the distance of the project villages from Chennai is unfounded.

82. The claimants are entitled to have the market value re-determined above multiplied by 1.25 as per the FIRST SCHEDULE to the RFCTLAAR Act, 2013, together with 100% and entitled to all other statutory benefits provided under the RFCTLARR Act, 2013.

83. Thus, the market value of the acquired land(s) is redetermined at

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Rs.60,000/- per are. This has to be taken as the basis to calculate the compensation in respect of the lands acquired from the respective claimant(s).

DEDUCTION TOWARDS DEVELOPMENT CHARGES:

84. The learned counsel for the claimants would strenuously contend that even though the large extent of land has been acquired, and the highest sale exemplar is not taken into account for the determination of the market value of the acquired land, no deduction as it was done in the case of determination of compensation under Section 23 of the LA Act, 1894 could be done.

85. The learned counsel for the claimants would further submit that since the lands were acquired for the formation of a new reservoir, though a large extent of land was the subject matter of acquisition, the question of wastage of land or reservation of a certain extent of land for public amenities or road facilities would not at all arise in the instant cases, as no strip of land is required to be reserved for any public amenities, and as such, no development charges need be deducted.

86. In support of above submission, the learned counsel for the claimants would place reliance heavily upon the judgements of this court in the cases of (i)

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Union of India v. K.Rajeswari, [2024 (5) CTC 588] and (ii) **Anandan (Deceased) v. Union of India,** [2024 (6) CTC 794].

87. Per contra, the learned law officers would placing much reliance on the judgments in the cases of **Basavva v. Spl. Land Acquisition Of**ficer [(1996) 9 SCC 640]; **Chandra Shekar (Dead) by LRs v. Land Acquisition Officer** [(2012) 1 SCC 390]; and **Union of India v. Premlata and others** [(2022) 7 SCC 745], made an attempt to convince this court that one-third of the amount has to be deducted from the market value towards development charges.

88. This court has considered the rival submission on the deduction of development charges.

89. Had the acquisition of lands been made for the setting up of industries or the setting up of housing colonies or other such allied purposes, a deduction towards development (for keeping aside area/space for providing developmental infrastructure and developmental expenditure) could be ordered to be made from out of the market value so determined to compute the compensation for the lands acquired from the claimants.

90. When the acquisition of lands was for the purpose of the formation of a

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reservoir, the question of wastage of land or reservation of a certain extent of land for public amenities or road facilities would not at all arise in the instant cases, as the lands were acquired for the formation of a new reservoir and no strip of land is required to be reserved for any public amenities, and as such, no development charges need be deducted. Therefore, in the light of the law laid down by the Hon'ble Supreme Court in **Nelson Fernandes v. Special Land Acquisition Officer, South Goa** [(2007) 9 SCC 447] and followed by *C.R. Nagaraja Shetty (2) v. Land Acquisition Officer and Estate Officer*, (2009) 11 SCC 75, no deduction could be ordered to be made towards developmental charges from the enhanced market value determined by this court.

91. Point No.1 is answered in favour of the appellants/claimants and against the respondents.

Point No.2:-

> **Whether the claimants, in some of the cases where superstructure, wells/borewells and trees were involved, are entitled to get enhanced compensation thereof?**

92. The learned counsel for the claimants bringing the attention of this court

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to Sections 29 and 30 of the RFCTLARR Act, 2013, would submit that in some of the cases, the claim of the respective claimants for compensation towards buildings attached to the land and for other assets like wells/bore wells and also trees.

93. The learned counsel for the claimants would further submit that the claimants are not greedy to get any bounty or lottery. What all they require is a fair compensation for the lands acquired from them and for the structures attached to the acquired lands and the well/borewell and trees standing thereon. As per sub-section (1) of Section 29 of the RFTCLARR Act, 2013, the claimants are entitled to get compensation in respect of things attached to land, buildings and trees. Ex.C.11 Land Survey Report prepared by the 1st respondent (LAO) would show the existence of superstructures, wells/borewells and trees. The reference court has erred in placing the burden on the claimants to prove the value of the superstructures and other assets found attached to the acquired land. As per sub-section (2) of Section 29 of the RFCTLARR Act, 2013, the LAO would have availed the services of an experienced person in the relevant field to determine the fair compensation. But neither the 1st respondent (LAO) nor the R.W.1 was fair enough in placing the records before the reference court.

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94. The learned counsel for the claimants would further submit that the finding of the trial court setting off the value of the superstructures and other attachments for depreciation of value of the land is unknown to the law, and therefore, the findings of the reference court in this regard are liable to be set aside.

95. The learned law officers would, on the other hand, contend that the landowner who claims compensation for the superstructures and trees, it is for him to establish the claim for compensation for the superstructure and the trees based on the market value of the superstructure, wells/bore wells and trees. In this case, the claimants have not established their claim for compensation for superstructure and trees, except for Ex.C.11, which is a land survey report prepared by the 1st respondent/LAO. Therefore, the reference court did not delve much into the issue and set off the depreciation value for the superstructure, trees and other things attached to the acquired land. Therefore, the findings recorded by the reference in respect of compensation for the assets attached to the acquired land are perfectly correct, and no interference is required at the hands of this court.

96. This court has considered the rival submissions and perused the

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available records.

97. Now the point that arises for consideration is

Whether the appellants/claimants are entitled to compensation for the superstructures, wells/bore wells, tress and other things attached to the acquired land?

98. The compensation includes market value for the superstructure and other things or assets attached to the acquired land.

99. Sub-section (1) of section 29 of the RFCTLARR Act, 2013 reads as under:

> "29**. Determination of value of things attached to land or building. –** (1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

100. In the cases on hand, as already discussed supra, the acquisition comes

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under 24(1) of the RFCTLARR Act, 2013; however, no award was passed under Section 11 of the LA Act, 1894. Thus, all provisions of the RFCTLARR Act, 2013, relating to the determination of compensation, would apply. The term "compensation" includes market value for the superstructure and other immovable property or assets attached to the land. Thus, the claimants are entitled to compensation for buildings, other immovable property or assets attached to the land and also trees.

101. Insofar as the market value for superstructure and other things attached to the acquired land is concerned, the reference court recorded its finding as follows:

> 9. Value for Superstructure : Further, as per the Ex.P11, the Land Survey of the acquired lands in the impugned village, in some of the lands, there are superstructures like Well, motor pump and trees are in existence. However, even though Ex.P11 Land survey report reflects about the existence of trees and other superstructure in many lands, to arrive at the amount of claim, the respective claimants have not produced any materials to fix the value for superstructures mentioned above. In the absence of material documents, this Court

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is not able to arrive at the value of building / superstructure / trees in the respective lands merely for existence of the same in some lands.

10. Depreciation Value : However, on considering the depreciation value, since it is a proposal for a reservoir scheme, the land has to be levelled and some charges are to be deducted as per the required norms, 20% depreciation value has to be fixed.

11. Set off with each other : Equally, the respondent has not placed any calculation to arrive for depreciation value. In the event of inability to arrive at the value of superstructures like wells, motor pumps, etc. and trees in the absence of materials placed by the claimants, it can be set off for the depreciation value, so that neither depreciation value is calculated nor valued the superstructure in the respective acquired lands."

102. To determine the market value of the superstructure and other things attached to the land acquired, in the cases on hand except Ex.C.11-Land Survey Report, no other expert evidence is available to ascertain the value of the same. There is no specific evidence let in on behalf of the claimants in this regard. On a careful perusal of the evidence of R.W.1, nothing was confronted to him in the

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cross-examination regarding the value of the superstructures and other things attached to the acquired land and also trees.

103. When this was pointed out to the learned counsel for the appellants/claimants, he would fairly admit no evidence was adduced during the enquiry before the trial court, except Ex.C.11 Land Survey Report prepared by the 1st respondent/LAO. He did not press much on the enhancement of market value for the superstructure and other things attached to the acquired land.

104. In the absence of any expert evidence demonstrating the market value of the superstructure and other things attached to the acquired land on the date of notifications, this court has no other option except to confirm the market value fixed by the LAO in the respective award.

105. In the light of the discussion made above, the finding of the reference court regarding market value for the superstructure and other things attached to the acquired land stands set aside, and whatever the market value fixed by the LAO in this regard stands maintained.

106. It is made clear that the claimants in the respective petitions where the

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superstructure, buildings, wells/borewells, trees and other things attached to the acquired land are not entitled to any enhanced compensation.

Point No.2 is answered is answered accordingly.

<u>INFRASTRUCTURAL AMENITIES</u>:

<u>Point No.3</u>:

Whether the appellants/claimants are entitled to infrastructural amenities under RFCTLARR Act, 2013?

107. The learned counsel, though, made an attempt to convince this court, drawing attention to the THIRD SCHEDULE to the RFCTLARR Act, 2013, and would submit that burial and cremation grounds were also subject matters of acquisition and no provision as provided was made for burial and cremation grounds. The learned law officers who were present were not able to give any

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reply to the submission made by the learned counsel for the claimants.

108. The LA Act, 1894, did not include provisions for resettlement and rehabilitation (for short, “the R & R”) of the individual landowners displaced by land acquisition. The LA Act, 1894, primarily focused on compensation for the loss of land and not on the broader impact of land acquisition. It provided only compensation to the landowners who were displaced, and it lacked mechanisms to address the social and economic consequences of land acquisition, particularly for those displaced and dependent on the land for their livelihood. It primarily focused on the compensation for the loss of individual immovable property, movable property, standing crops and trees.

109. When this court informed the learned counsel for the claimants that in view of the specific provision contained in Section 24(1)(a) of the RFCTLAR Act, 2013, and the law laid down by the Hon’ble Supreme Court in the case of Haryana State Industrial and Infrastructure Development Corporation Limited v. Deepak Aggarwal [2022 LiveLaw (SC) 644], only for the determination of compensation, the provisions of the RFCTLARR Act, 2013, would apply, the learned counsel conceded the legal position. Therefore, the claimants are not entitled to get any

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other relief under the RFCTLARR Act, 2013, except a fair compensation for their lands acquired by the state.

110. However, the State and the appropriate authorities shall ensure that a common burial/cremation ground is provided in accordance with the provisions of the RFCTLARR Act, 2013, because, the burial ground that was used by the villagers—including the landowners who were affected by the acquisition, was also acquired for the construction of a reservoir.

Point No.3 is answered accordingly.

Point No.4:

To what other relief the appellants/claimants are entitled?

111. In the light of the discussions made above, the appellants/claimants are entitled to get enhanced compensation calculated at the market rate determined above together with all other statutory benefits. Thus, the appeal suits succeed partly, and the common order of the reference court (Principal District Judge) at Tiruvallur only insofar as the market value is concerned requires modification, and in all other aspects, the common order and decree(s) of the reference court

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(Principal District Judge) at Tiruvallur stand confirmed. The market value of the acquired land is enhanced to Rs.60,000/- per are from Rs.29,640/- per are fixed by the reference court; the claimants are entitled to get the market value multiplied by factor 1.25 as per Schedule I of the RFCTLARR Act, 2013; the claimants are entitled to 100% solatium; besides the above, the claimants are entitled to all other statutory benefits provided under the RFCTLARR Act, 2013, and as ordered by the reference court.

112. Except reliefs already granted herein above, the appellants/claimants are not entitled to any other reliefs. This point is answered accordingly.

In the result, the appeal suits are allowed in part

(i) The common order of the reference court with respect to market value determined by the reference court alone is modified and enhanced to Rs.60,000/- per are from Rs.29,640/- per are insofar as the references under appeal are concerned.

(ii) The common order of the reference court with respect to payment of compensation for the superstructure,

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wells/borewells, trees and other things attached to the acquired land is set aside, and the claimants in the respective claim petitions are entitled to compensation for the superstructure, wells/borewells, trees and other things attached to the acquired land at the rate as fixed by the LAO in the respective awards. It is made clear that the claimants in those cases are not entitled to get any enhanced compensation.

(iii) The appellants/claimants in the cases for compensation towards superstructure, wells/borewells, trees, or other things attached, as the case may be, and where a claim for enhancement of compensation in respect of the same was made, are not entitled to any compensation for the superstructures and other things, as the case may be, and the award passed by the LAO in that regard stands confirmed.

(iv) The common order and the individual decree(s)

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of the reference court, in so far as the adoption of the multiplier as per the First Schedule, solatium, additional compensation and all other statutory benefits are concerned, the same shall stand confirmed. The compensation amounts, if any, already received by the claimant(s) shall be deducted from the enhanced compensation payable by the respondents.

(v) The 1st respondent is, or the authorities concerned in the State are directed to deposit the entire enhanced compensation together with all statutory benefits provided under the RFCTLARR Act, 2013, within a period of two months from the date of receipt of a copy of this order.

(vi) The respective law officers who represented the respondents in the appeal suits are entitled to separate fees for each of the appeal suits.

(vii) The appellants/claimants in the respective appeal suits herein are directed to pay deficit court-fees on the

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appeal suits within a period of two months from the date of receipt of a copy of this order.

(viii) The decree(s) in these cases shall be drafted after the payment of deficit court-fees has been paid by the respective claimants.

(ix) The local body concerned or the State shall ensure that burial/cremation ground(s) is/are earmarked in the reference villages for the use of the villagers and notified.

(x) Considering the facts and circumstances of the case, both parties are directed to bear their respective costs.

Consequently, connected CMPs are closed.

Index : yes / no 28..03..2025
Neutral citation : yes / no
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Note: The Registry is directed to type out cause title for rest of the appeal suits and issue certified copies to the parties.

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To

1.The Principal District Judge, Tiruvallur, Tiruvallur District.

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N. SATHISH KUMAR.J,

kmk

Common Judgement
in
Appeal Suit No.1091 of 2024
and batch of cases

28..03..2025

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