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A.S. No.803 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

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THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

A.S. No.803 of 2025

1. The District Collector,
Chennai District, Chennai - 600 001.
 2. The Special Tahsildar (LA),
MRTS Phase-II Extension,
Mylapore @ O/o.CMDA, Egmore,
Chennai - 600 008.
- ... Appellants/ Referring Authorities

-VS-

E. Senguttuvan ... Respondent/ Claimant

Prayer: This appeal is filed under Section 54 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the Judgment and decree made in L.A.O.P. No.40 of 2022 dated 30.08.2024 passed by the Principal Judge, City Civil Court at Chennai.

For Petitioners	:	Mr. T. Arunkumar, Additional Government Pleader.
For Respondent	:	No Appearance



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JUDGMENT

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This appeal is preferred by the State, challenging the award passed by the Principal Judge, City Civil Court at Chennai, vide order dated 30.08.2024 in L.A.O.P. No.40 of 2022, in connection with the acquisition of land for the purpose of MRTS project.

2. The acquisition was under the Land Acquisition Act, 1894 by invoking the Emergency Clause, contemplated under Section 17(4). Thus the opportunity of hearing objections under Section 5(A) was dispensed. The 4(1) notification was earlier to the new Act came into force i.e., on 11.02.2011 under G.O.(Ms).No.34, this declaration was on 11.10.2012 under G.O.(Ms).No.222. Meanwhile, the new Act came into force, there was also a writ petition, challenging the acquisition and the fixation of compensation at the rate of Rs.1,912/- per square feet under the old Act. Ultimately, after the disposal of the writ petitions, a sum of Rs.86,32,204.89/- was fixed as compensation for the land measuring 700 square feet superstructure and the right of 570 square feet of Undivided Share with 75% of additional compensation for being acquired under the Emergency Clause.



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3. The land owner, who is the respondent herein have referred the matter to the referral Court under Section 64 of the new Act (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013). The Court below after taking note of the value of the properties in the adjacent side and the market value claimed by the petitioner at the rate of Rs.9,000/- per square feet, took a conscious decision of fixing Rs.7,000/- per square feet, being the average of the sale deed dated 26.08.2013, the sale deed dated 14.11.2013 and another sale deed dated 30.10.2014.

4. The appeal is filed on the ground that the Trial Court had failed to make a judicial approach, while fixing the value of the property, the enhanced compensation fixed by the Land Acquisition Officer is appropriate and adequate. Whereas the value fixed by the referral Court, enhancing the compensation from Rs.3,743/- to Rs.7,000/- per square feet is exorbitant and not supported by any data sales. Ex.P.6 – sale deed dated 14.11.2013 is not within the vicinity of the land acquired. The said property situated at Bharathidasan Nager, Bharathidasan 2nd street, Adambakkam, Chennai, whereas the land acquired from the respondent herein is situated in Jeevan Nagar Main Road,



Adambakkam, Chennai.

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5. The learned Additional Government Pleader appearing for the State submitted that a whopping enhancement of compensation from Rs.3,743/- to Rs.7,000/- per square feet requires revisit. He would also submit that the delay in acquisition was due to the litigation initiated by the land owners including the respondent herein, therefore they cannot take advantage of the delay in acquiring the land and get an additional compensation of 75%.

6. The submissions made by the learned Additional Government Pleader for land acquisition given anxious consideration. The acquisition invoking Emergency Clause warrants additional compensation and deposit of the portion of the compensation immediately, which in this case is not followed. By citing the litigation, the State had not paid the compensation as per the provisions but taken advantage of dispensing the normal procedure of affording opportunity and enquiry under Section 5(A) of the old Act. Meanwhile, the new Act has come into force, which provides for more fair and proper compensation along with rehabilitation for the land owners. The reference Court, taking into consideration of these facts as well as the Ex.P.6 – sale deed dated 14.11.2013

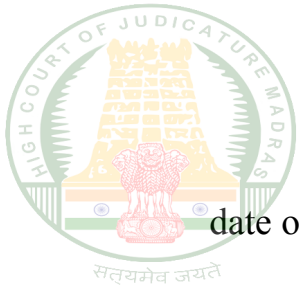


of the neighbouring land had fixed the compensation of Rs.7,000/- per square feet. The Sketch for Ward E, Adambakkam village, which is marked as Ex.P.5, the Master Plan for the Ward E, Adambakkam, marked as Ex.P.4, the address of the land, which is the subject matter of this appeal and the address of the land, which is the subject matter of Ex.P.6 put together on scrutiny, finds that there cannot be much difference in the value of the property due to the location of the land covered under Ex.P.6 and the land under consideration.

7. In a metropolitan city like Chennai, taking Adambakkam as such to be one unit, the value does not vary much in that locality. Therefore, this Court finds no error in appreciating the documents and evidence, while fixing the compensation for the land acquired.

Dr. G. JAYACHANDRAN, J.,

8. In the result, this appeal stands dismissed, the judgment and decree of the referral Court dated 30.08.2024 in L.A.O.P. No.40 of 2022 is hereby confirmed. The appellants are directed to deposit the balance compensation amount along with interest as per law, within a period of two months from the



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date of receipt of copy of this order. There shall be no order as to costs.

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25-07-2025

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To

1. The Principal Judge, City Civil Court at Chennai.
2. The Public Prosecutor,
High Court of Madras.
3. The District Collector,
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