

A.S.No.108 of 2025 and batch of cases

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07..03..2025

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Appeal Suit Nos.108, 109, 110, 111 & 113 of 2025

A.S.No.108 of 2025:

Subban (Died)

- 1.Kalaimani
- 2.Gowtham
- 3.Yuvaraj

..... Appellants

-Versus-

- 1.The Special Tahsildar
(Land Acquisition),
Salem-Karur Broad Gauge Railway Line Project,
Unit-II, Namakkal.

- 2.The Deputy Chief Engineer
(Constructions),
Southern Railway, Salem-5.

..... Respondents

Prayer in A.S.No.108 of 2025:- Appeal filed under Section 54 of The Land Acquisition Act, 1894, praying to modify the judgment and decree dated 31.01.2019 made in L.A.O.P.No.431 of 2001 on the file of the learned Principal Subordinate Judge (Land Acquisition Tribunal) Namakkal by enhancing the compensation from Rs.40/- per square feet to Rs.106/- per square feet.

A.S.No.108 of 2025:

For Appellant

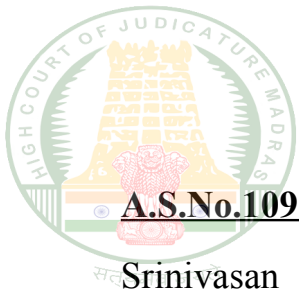
For Respondent

: Mr.C.Jagadish

: Mr.C.Sathish,

Government Advocate for R1

No appearance for R2



A.S.No.108 of 2025 and batch of cases

A.S.No.109 of 2025:

Srinivasan

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..... Appellant

-Versus-

1.The Special Tahsildar
(Land Acquisition),
Salem-Karur Broad Gauge Railway Line Project,
Unit-II, Namakkal.

2.The Deputy Chief Engineer
(Constructions), Southern Railway, Salem-5.

..... Respondents

Prayer in A.S.No.109 of 2025:- Appeal filed under Section 54 of The Land Acquisition Act, 1894, praying to modify the judgment and decree dated 31.01.2019 made in L.A.O.P.No.432 of 2001 on the file of the learned Principal Subordinate Judge (Land Acquisition Tribunal) Namakkal by enhancing the compensation from Rs.40/- per square feet to Rs.106/- per square feet.

A.S.No.109 of 2025:

For Appellant

: Mr.C.Jagadish

For Respondent

: Mr.C.Sathish,

Government Advocate for R1

No appearance for R2

A.S.No.110 of 2025:

Kathirvel

..... Appellant

-Versus-

1.The Special Tahsildar
(Land Acquisition),
Salem-Karur Broad Gauge Railway Line Project,
Unit-II, Namakkal.

2.The Deputy Chief Engineer
(Constructions), Southern Railway, Salem-5.

..... Respondents



A.S.No.108 of 2025 and batch of cases

Prayer in A.S.No.110 of 2025:- Appeal filed under Section 54 of The Land Acquisition Act, 1894, praying to modify the judgment and decree dated 31.01.2019 made in L.A.O.P.No.434 of 2001 on the file of the learned Principal Subordinate Judge (Land Acquisition Tribunal) Namakkal by enhancing the compensation from Rs.40/- per square feet to Rs.106/- per square feet.

A.S.No.110 of 2025:

For Appellant

: Mr.C.Jagadish

For Respondent

: Mr.C.Sathish,

Government Advocate for R1

No appearance for R2

A.S.No.111 of 2025:

Palaniyandi Gounder (Died)

Periyasamy

..... Appellants

-Versus-

1.The Special Tahsildar
(Land Acquisition),
Salem-Karur Broad Gauge Railway Line Project,
Unit-II, Namakkal.

2.The Deputy Chief Engineer
(Constructions), Southern Railway, Salem-5.

3.Durairaj

4.Santhamani

..... Respondents

Prayer in A.S.No.111 of 2025:- Appeal filed under Section 54 of The Land Acquisition Act, 1894, praying to modify the judgment and decree dated 31.01.2019 made in L.A.O.P.No.430 of 2001 on the file of the learned Principal Subordinate Judge (Land Acquisition Tribunal) Namakkal by enhancing the compensation from Rs.40/- per square feet to Rs.106/- per square feet.



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A.S.No.108 of 2025 and batch of cases

A.S.No.111 of 2025:

For Appellant
For Respondent

: Mr.C.Jagadish
: Mr.C.Sathish,
Government Advocate for R1
No appearance for R2
R3 reported dead
R4 Service awaited

A.S.No.113 of 2025:

Palaniyandi Gounder (Died)
1.Periyasamy

..... Appellants

-Versus-

1.The Special Tahsildar
(Land Acquisition),
Salem-Karur Broad Gauge Railway Line Project,
Unit-II, Namakkal.

2.The Deputy Chief Engineer
(Constructions), Southern Railway, Salem-5.

3.Santhamani

..... Respondents

Prayer in A.S.No.113 of 2025:- Appeal filed under Section 54 of The Land Acquisition Act, 1894, praying to modify the judgement and decree dated 31.01.2019 made in L.A.O.P.No.433 of 2001 on the file of the learned Principal Subordinate Judge (Land Acquisition Tribunal) Namakkal by enhancing the compensation from Rs.40/- per square feet to Rs.106/- per square feet.

A.S.No.113 of 2025		
For Appellant	:	Mr.C.Jagadish
For Respondent	:	Mr.C.Sathish, Government Advocate for R1
		No appearance for R2
		Court Notice – service awaited for R3

COMMON JUDGE



MENT

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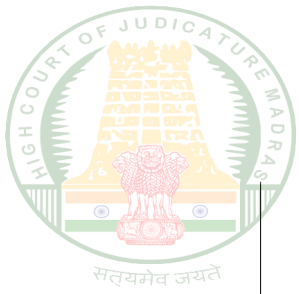
The claimant(s) in the references under Section 18 of the Land Acquisition Act, 1894, have come up with the present appeal suits challenging the inadequacy of the enhanced compensation granted by the Reference Court (Principal Subordinate Court) at Namakkal.

2. No cross-objections either from the State/LAO or the requisitioning body.

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 other official respondent will be referred to as the requisitioning body wherever the context so requires.

4. A total extent of 9.96.5 Hectares of land situated in Varagurampatty village in Namakkal Taluk and District, was acquired for the formation of a new Broad Gauge Railway Line between Salem – Karur (via Namakkal) under Award No.32 of 2000-2001 dated 12.05.2000. The details of the lands belonged to the respective claimants which were acquired for the railway project and the compensation awarded by the Land Acquisition Officer as well as the reference court are as follows: -

Sl. No.	LAOP No.	AS No.	Name of the Claimant(s)	Survey Numbers	Extent
	2001	2025			
1	431	108	1.Subban (Died) 2.Kalaimani	67/3A & 67/13B	0.03.0 0.15.5

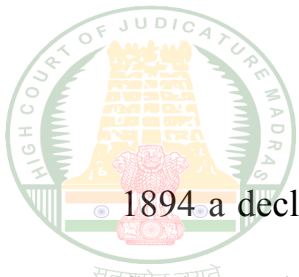


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			3.Gowtham		-----
			4.Yuvaraj		0.18.5
2	432	109	Srinivasan	67/4A	0.12.5
				67/15A2	0.11.5
				109/7	0.08.5
					0.32.5
3	434	110	Kathirvel	67/15B1	0.07.5
4	430	111	1.Durairaj	67/2	0.14.0
			2.Palaniyandi		
			Gounder (Died)		
			3.Periyasamy		
			4.Santhamani		
5	433	113	1.Palaniyandi	67/11B &	0.09.0
			Gounder (Died)	67/12B	0.09.5
			2.Periyasamy		-----
			3.Santhamani		0.18.5

5. Brief facts that lead to the filing of these appeal suits are as follows: -

Notification under Section 4(1) of the Land Acquisition Act, 1894, was published in the Tamil Nadu Government Gazette Extra-ordinary No.314 Part II, Section -2 at Pages 1-4 dated 21.04.1999 for the acquisition of a vast extent of land measuring 9.96.6 Hectares for the formation of the Salem-Karur Broad Gauge Railway Line. As the acquisition was made by invoking the emergency clause under Section 17 of the LA Act, 1894, after dispensing with the enquiry under Section 5-A of the LA Act,

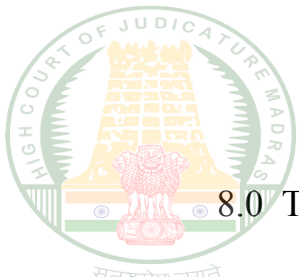


1894 a declaration under Section 6 was published on 25.05.1999. On 12.06.2000, a final award was passed by the LAO and Special Tahsildar (L.A.), Salem-Karur Broad Gauge Railway Project.

6. The LAO assessed the compensation amount payable to the claimants as follows: -

Sl. No.	LAOP No.	AS No.	Name of the Claimant(s)	Survey Numbers	Compensation determined by the LAO
	2001	2025			
1	431	108	1.Subban (Died) 2.Kalaimani 3.Gowtham 4.Yuvaraj	67/3A & 67/13B	Rs.33,044.00
2	432	109	Srinivasan	67/4A 67/15A2 109/7	Rs.58,051.00
3	434	110	Kathirvel	67/15B1	Rs,13,396.00
4	430	111	1.Durairaj 2.Palaniyandi Gounder (Died) 3.Periyasamy 4.Santhamani	67/2	Rs.25,007.00
5	433	113	1.Palaniyandi Gounder (Died) 2.Periyasamy 3.Santhamani	67/11B & 67/12B	Rs.33,044.00

7. Being aggrieved by the compensation awarded by the LAO/Special Tahsildar, the appellants sought reference(s) to the Principal Subordinate Judge/Reference Court at Namakkal to establish their claims for enhanced compensation. Accordingly, the LAO made reference under Section 18 of the Land Acquisition Act, 1894.



8.0 The claim of the landowners before the reference court in brief is as follows: -

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8.1 The lands belonging to the claimants, along with other lands, were acquired for the formation of the Salem to Karur Broad Gauge Railway Line Project. The LAO awarded a sum of Rs. 1,23,500/- per hectare. The market value fixed by the 1st Respondent for compensation towards the land acquired from the claimants is very low, and it does not reflect the correct and true market value.

8.2 The LAO, for the purpose of fixing the compensation, selected the value of the lands comprised in S.Nos.60/6, 60/7, 61/1, and 61/2 in Vagurampatty Village as data land. The said lands are situated far away from acquired lands. The LAO ought to have considered the sale transactions relating to the lands adjacent to the acquired lands.

8.3 The acquired lands are near and adjacent to Namakkal Town and the municipal limit. They are also near the Housing Board, Police Station, and Courts. Namakkal Bus Stand is one and a half kilometres from the acquired lands. Further, the government hospital is situated at a distance of 1 kilometre from the acquired lands. The acquired lands are very near to Kavingnar Ramalingam Women's Arts College and two-star hotels, namely Nala Hotel and Golden Palace.

9. The LAO disputed the claim of the landowners *inter alia*, contending that



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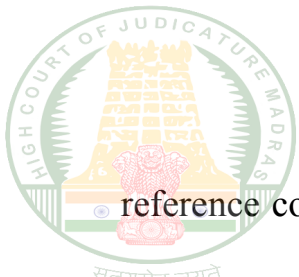
the lands acquired from the claimants are manavari dry lands, not surrounded by residential buildings. As such, those lands cannot be valued on a square-foot basis as they are agricultural dry lands. The claim about proximity to important places and roads is false. The subject lands are unfit for building construction and cannot be treated as house plots.

10. During the enquiry before the Reference Court, on the side of the claimants, Kathirvel, Periasamy, Palanisamy, and Anbazhagan were examined as C.W.1 to C.W.4, respectively, and Ex.C.1 to Ex.C.11 were marked. On the side of the respondents, Mr. Rajashkanna, the then Special Tahsildar, was examined as R.W.1, and Mr. Vincent, the Assistant Executive Engineer, was examined as R.W.2, and Ex.R.1 to Ex.R.7 were marked.

11. The reference court at Namakkal has formulated a lone question for consideration as to whether the claimants are entitled to enhanced compensation?

12. On appreciating the available oral and documentary evidence, the reference court, by common judgement dated 31.01.2019 in L.A.O.P.No.434 of 2001 and batch of cases, held that the appellants/claimants are entitled to get compensation at the enhanced rate of Rs.40/- per square foot as against the compensation fixed by the LAO at Rs.1,23,500/- per hectare together with all other statutory benefits for the enhanced compensation.

13. Feeling still not satisfied by the enhanced compensation awarded by the



reference court, the claimants have come up with these appeal suits. However, there was no cross-objection(s) either from the state or the requisitioning body.

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14. Heard both sides.

15. The learned counsel for the appellants/claimants would submit that by common judgement dated 04.04.2018 in L.A.O.P.No.39 of 2002 and batch of cases, titled Karuppannan v. Special Tahsildar (LA), Salem-Karur Broad Gauge Railway Line Project, Namakkal, the learned Subordinate Judge (Reference Court) at Namakkal awarded compensation at the rate of Rs.106/- per square feet including additional market value at the rate of 15% towards appreciation in market value for the acquired land situated in the nearby village Kondichettipatti which was acquired for the same purpose and while so, the learned Subordinate Judge erred in not awarding the same rate of compensation to the appellants whose lands are situated in the nearby village and thereby the reference court has drawn discrimination between the land owners.

16. Placing reliance heavily upon the judgement of the Hon'ble Supreme Court in Ali Mohammad Beigh and others v. State of Jammu and Kashmir [(2017) 4 SCC 717], the learned counsel would submit that when the lands are more or less situated nearby and when the lands are identical and similar and the acquisition has also been made for the same purpose, it would not be proper to discriminate between the appellants-landowners and the landowners in the other references unless there is a



strong reason.

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17. Per contra, the learned law officers for the LAO would contend that the appellants/claimants have failed to adduce evidence to justify their claim for compensation at Rs.106/- per square feet granted to the landowners in Kondichettipatti village. On the contrary, the learned law officers would submit that landowners have proved before the reference court as to how their case was different. Therefore, the impugned award of the reference court does not warrant any interference at the hands of this court.

18. Now the point that arises for consideration in the present appeal suits is

Whether the appellants/landowners are entitled to get enhanced compensation on par with the other landowners whose lands situated in Kondichettipatty village were acquired in other references for the very same railway project?

19. This court has considered the rival submissions and perused the available oral and documentary evidence carefully.

20. Admittedly, the land measuring 9.965 hectares comprised in Survey Nos. 67/15B1, 60/5A, 67/2, 67/3A, 67/13B, 67/4A, 67/15A2, 109/7, 67/11B, 67/12B, 177/1B, 109/12B2, 110/1A, 150/1B, 150/2A1, 160/14B, 151/1A, 151/5A, 151/2B, 151/6A, 153/1B, 153/2B, 153/6B, 160/4B, 160/15B, 176/4B, 178/3B2, 181/2B, 181/3, and 181/2A1 of Vagurampatty Village covered under LAOPs under appeal were acquired for the railway project in 1999. In or about the same time, the lands



situated in the nearby village of Kondichettipatti were also acquired for the same purpose by various references. The comparative table of the details of the acquisition of lands of the appellants and the other lands acquired in Kodichettipatti village is as under:

Village	Section 4(1) Notification	Final Award	Reference Court Award	Compensation Awarded
Kondichettipatti	08.05.1999	04.06.2001	LAOP No.39 of 2002 and batch of cases judgement dated 04.04.2018	Rs.106/- per square feet including 15% p.a. additional market value (appreciation in market value)
Varagurampatti	21.04.1999	12.06.2000	LAOP under Appeal judgement dated 31.01.2019	Rs.40/- per square feet
Varagurampatti	21.04.1999	12.06.2000	LAOP No.426 of 2001 and batch of cases judgement dated 06.03.2019	Rs.60/- per square feet

21. The learned counsel for the appellants/claimants has drawn the attention of this court to the fact that the villages Kodichettipatti and Varagurampatti are nearby, and when the lands are more or less nearby, the acquired lands are identical and similar, and the acquisition is for the same purpose, showing discrimination between the landowners is not justifiable unless there are compelling reasons.



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22. The reference court in the case of acquisition of lands in Kondichettipatty village covered by a common judgement dated 04.04.2018 made in L.A.O.P.No.39 of 2002 after referring to the evidence adduced by the claimants thereon more particularly, the sale in respect of 2711 ½ square feet of land comprised in S.NO.53 of Kondichettipatty village by way of sale deed dated 13.08.1998 executed by the Tamil Nadu Housing Board and sale deed dated 02.12.1998 in respect of land comprised in S.No.47/10 executed by one Thirumathal in favour of Chandrasekaran, the reference court determined the market value at Rs.106/- per square feet in respect of the acquired land covered by Award No.32/2000-2001 dated 04.06.2001.

23. As already stated supra, Kondichettipatty village is situated near Ragurampatty village; while so, there was no reason why the reference court differentiated the lands of the appellants-landowners of the acquired lands in Kondichettipatty village. The LAO, as it is seen from the records, had simply rejected more than 120 sales out of 139 sales transactions on the ground that they were house sites. This approach of the LAO is not at all sustainable, as if more than 90% of the transactions had taken place in the very same village in a three-year period immediately preceding the date of the notification under Section 4(1), it is not permissible for the land acquisition officer to reject all those sale deeds on the ground that they related to the sale of house sites.

24. It is relevant to extract hereunder the judgement reported in the case of **Ali**



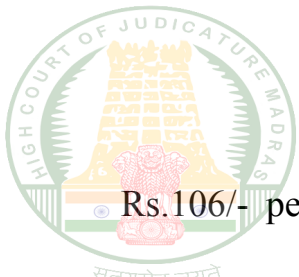
Mohammad Beigh and others v. State of Jammu and Kashmir [(2017) 4 SCC

717], wherein the Hon'ble Supreme Court, while relying upon the judgement in the case of Union of India v. Harinder Pal Singh [(2005) 12 SCC 565], has held as follows:

“When the lands are acquired at the same time and for the same purpose that is for resettlement of Dal dwellers, the lands situated in three different villages namely, Chandapora, Bhagichandpora and Pazwalpora, and since the land is similar land, it would be unfair to discriminate between the land owners and other references and the appellants who are the land owners in Reference No.15 and pay less that is Rs.2,50,000/- per Kanal to the appellants and pay more to other land owners that is Rs.4,00,000/- per Kanal. Impugned judgments of the High Court in CIA No. 211/2009 and Cross Appeal No. 64/2011 are to be set aside by enhancing the compensation to Rs.4,00,000 per Kanal. As a sequel to this, the order passed in review is also to be set aside.”

25. In light of the fact that the distance between the villages Varagurampatty and Kondichettipatty is not much and there was no reason why the reference court differentiated the lands of the appellants/claimants of the acquired lands by awarding lesser compensation of Rs.40/- per square feet, and the reference court was not right in discarding the sale deed marked under Ex.C.9 in respect of land measuring an extent of 2100 square feet that was sold at Rs.100/- per square feet on 02.12.1998.

This was the sale relied upon by the reference court to award compensation at

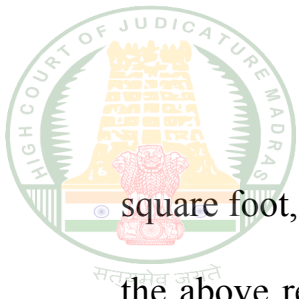


Rs.106/- per square foot for the lands covered by award No.32/2000-2001 dated 04.06.2001, which were the subject matter in L.A.O.P. Nos. 39 of 2002 and batch of cases.

26. As held by the Hon'ble Supreme Court in Ali Mohammad Beigh's case cited supra, when the lands situated in two different villages of same neighbourhood are acquired at the same time and for the same purpose that is for railway project, and when the LAO was not able to differentiate the potentiality of the lands and the lands acquired are similar, it would be unfair to discriminate between the appellants-lands owners and the land owners in the other references and therefore, the appellants-land owners are also entitled to Rs.106/- per square foot as that of the landowners in the other references in respect of lands situated in Kondichettipatty village.

27. In light of the discussions made above, the appellants/claimants are entitled to Rs.106/- per square foot, including additional market value at 15% per annum towards appreciation in market value for about 5 months from 02.12.1998 to 21.04.1999, the date of the 4(1) notification, together with solatium and all statutory benefits as directed by the reference court.

In the result, the appeal suits are allowed. The common judgements and decree(s) insofar as they relate to L.A.O.P. Nos. 431, 432, 434, 430 & 433 of 2001 are modified to the effect that the appellants/claimants are entitled to Rs. 106/- per



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square foot, and in all other aspects, the common judgement and decrees in respect of the above references stand confirmed. It is made clear that the appellants/claimants are entitled to enhanced compensation granted by this court together with solatium and all other statutory benefits for the enhanced compensation amount as directed by the reference court. The appellants and the respondents shall bear their respective costs incurred on these appeal suits.

Index : yes / no
Neutral citation : yes / no
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07..03..2025

To

1.The Principal Subordinate Judge, Namakkal, Namakkal District.

N.SATHISH KUMAR.J.,



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A.S.No.108 of 2025 and batch of cases

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Appeal Suit Nos.108, 109, 110, 111 & 113 of 2025

07..03..2025