



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.12.2025

PRONOUNCED ON : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

S.A.No. 26 of 2022
And
C.M.P.No. 550 of 2022

1. The Special Tahsildar
(ADW)
Land Acquisition Officer
Dharmapuri.
2. The District Collector
Dharmapuri District.
3. The Land Acquisition Officer
Adi-Dravidar Welfare Department
Dharmapuri District.

... Appellants/Respondents/LAO

Vs

R.Senthil
S/o. Ramasamy Gounder

... Respondent/Appellant/Claimant



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PRAYER: Appeal filed under Section 100 of CPC, read with Section 13 of the Tamilnadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, against the Judgment and Decree dated 22.02.2021 made in C.M.A. (LA).nNo. 9 of 2000 on the file of Sub Court, Dharmapuri, modifying the Award No. 9/of 200o, in Na.Ka.No. 1324.99A dated 14.03.2000, on the file of the Special Tahsildar (ADW) and Land Acquisition Officer, Dharmapuri.

For Appellants : Ms. R.Anitha
Special Government Pleader

For Respondent : Mr.N.Manokaran

JUDGMENT

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

The respondents in C.M.A.(LA) No. 9 of 2000 on the file of the Sub Court at Dharmapuri are the appellants herein. They had filed the Second Appeal under Section 100 of the Code of Civil Procedure 1908 and under Section 13 of the Tamilnadu Acquisition of Land For Harijan Welfare Schemes Act, 1978, aggrieved by the award dated 22.02.2021 in C.M.A. (LA).No. 9 of 2000 by which award related to compensation for acquisition



of the following lands:-

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- “(i) area measuring 0.07.0 hectares in S.No. 228/A1;
- (ii) land measuring 0.26.0 hectares in S.No. 229/A1;
- (iii) land measuring 0.04.5 hectares in S.No. 228/A3B”

all in Perumbalai Village, Sanarappatti, Pennagaram, Dharmapuri District, totally measuring 0.37.5 hectares / 40,437 sq.ft., at Rs.24/- per sq.ft. The compensation granted after deducting 25% of the area of the land towards development charges for a total area of 30,260 sq.ft., was fixed at Rs.24/- per sq.ft., for a sum of Rs.7,26,240/- and together with 15% solatium of Rs.1,08,936/- to a total sum of Rs.8,35,176/-.

2. It is the contention of the appellants herein that the Sub Court had taken into consideration Ex.C-4 which was land and house measuring 980 sq.ft., and Ex.C-5 which was land measuring 2295 sq.ft., and Ex.C-2 which is land measuring 575 sq.ft., and Ex.C-3 which is land measuring 900 sq.ft., which are all substantially smaller areas of land, than the land acquired and therefore had committed an irregularity warranting revisitation



of the award by this Court. It had also been contended that grant of 25% towards development charges was not proper and that the Sub Court should have deducted 33% towards development charges. It must be kept in mind that the said land had been acquired for providing house sites to Adi-Dravidars.

3. The learned Special Government Pleader had raised the aforementioned two grounds, namely, that the value of the land had been determined on the basis of documents which were to a smaller extent of land and therefore not comparable with the larger area which had been acquired and also that the deduction towards development charges had been improperly given by the Sub Court at Dharmapuri.

4. It is to be noted that both the above points raised by the learned Special Government Pleader had been considered in the award and rejected. It had been held by the Sub Court that the lands acquired were to be divided into plots of substantially smaller area and it was under that circumstances that the comparable sale deeds of the area of land which



would be equivalent to the plot of a house site was taken into consideration.

With respect to the development charges again it had been held that owing to the nature of the land, the development charges should be 25% and not 33% as even earlier argued before the said Court.

5. The learned Special Government Pleader had placed reliance on the Judgment of the Hon'ble Supreme Court reported in **(1996) 2 SCC 62 [K.s.Shivadevamma and Others]** wherein it had been held that deduction of development charges would depend upon development needed in each case and the lands which had been acquired, if having potential value for building purpose, but not capable of putting to immediate use for building purpose, would have to be examined before determining the deduction for development charges.

6. Mr.N.Manoharan, learned counsel for the respondent however placed reliance on a Judgment of the Hon'ble Supreme Court reported in **(2010) 9 SCC 118 [A.Natesam Pillai Vs. Special Tahsildar, Land Acquisition, Tiruchy]** wherein it had been stated that potentiality of acquired land in so far as it relates to use to which it is reasonably capable of being put in immediate or near future must be given due consideration.



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7. We have carefully considered the award granted. The Sub Court had considered all required factors particularly the value of the land and about the nature of potentiality land could be put to use for building purpose. The acquisition of land was only for providing house sites for Adi-Dravidars. It is only appropriate that Exs. C-2 and C-5 had been taken into consideration as comparable documents to determine the land value. Again the deduction of 25% towards development charges is reasonable. These are issues of facts. We hold that no substantial question of law arises for consideration in the Second Appeal.

8. In this connection, it would only be appropriate to refer to the Judgment of the Hon'ble Supreme Court reported in ***(2022) 20 SCC 199 [Chandrabhan and others Vs. Saraswati and Others]***, wherein the Hon'ble Supreme Court had outlined the concept of “*substantial question of law under Section 100 of the Code of Civil Procedure*”. It had been held as follows:-

“26. The guidelines to determine what is



*a substantial question of law within the meaning of Section 100CPC has been laid down by this Court in **Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd.** [Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., 1962 SCC OnLine SC 57 : AIR 1962 SC 1314]*

*27. In **Chunilal V. Mehta & Sons** [Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., 1962 SCC OnLine SC 57 : AIR 1962 SC 1314] , this Court agreed with and approved a Full Bench judgment of the Madras High Court in **Rimmalapudi Subba Rao v. Noony Veeraju** [Rimmalapudi Subba Rao v. Noony Veeraju, 1951 SCC OnLine Mad 100 : AIR 1951 Mad 969] which laid down the principles for deciding when a question of law becomes a substantial question of law.*

*28. In **Hero Vinoth v. Seshammal** [Hero Vinoth v. Seshammal, (2006) 5 SCC 545] , this Court followed **Chunilal V. Mehta & Sons** [Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., 1962 SCC OnLine SC 57 : AIR 1962 SC 1314] and other judgments and*



summarised the tests to find out whether a given set of questions of law were mere questions of law or substantial questions of law.

*29. The relevant paragraphs of the judgment of this Court in **Hero Vinoth [Hero Vinoth v. Seshammal, (2006) 5 SCC 545]** are set out hereinbelow : (SCC p. 554, para 21)*

“21. The phrase “substantial question of law”, as occurring in the amended Section 100CPC is not defined in the Code. The word substantial, as qualifying “question of law”, means — of having substance, essential, real, of sound worth, important or considerable. It is to be understood as something in contradistinction with — technical, of no substance or consequence, or academic merely. However, it is clear that the legislature has chosen not to qualify the scope of “substantial question of law” by suffixing the words “of general importance” as has been done in many other provisions such as Section 109 of the Code or Article 133(1)(a) of the Constitution. The substantial question of law on which a second appeal shall be heard need not necessarily be a substantial question of law of general importance.



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In Guran Ditta v. Ram Ditta [Guran Ditta v. Ram Ditta, 1928 SCC OnLine PC 31 : (1927-28) 55 IA 235 : AIR 1928 PC 172] the phrase “substantial question of law” as it was employed in the last clause of the then existing Section 100CPC (since omitted by the Amendment Act, 1973) came up for consideration and their Lordships held that it did not mean a substantial question of general importance but a substantial question of law which was involved in the case. In Chunilal case [Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., 1962 SCC OnLine SC 57 : AIR 1962 SC 1314] the Constitution Bench expressed agreement with the following view taken by a Full Bench of the Madras High Court in Rimmalapudi Subba Rao v. Noony Veeraju [Rimmalapudi Subba Rao v. Noony Veeraju, 1951 SCC OnLine Mad 100 : AIR 1951 Mad 969] : (Chunilal case [Chunilal V. Mehta & Sons Ltd. v. Century Spg. & Mfg. Co. Ltd., 1962 SCC OnLine SC 57 : AIR 1962 SC 1314] , SCC OnLine SC para 5)

‘5. ... [W]hen a question of law is fairly arguable, where there is room for difference of opinion on it or where the Court thought it necessary to deal with that question at some length



and discuss alternative views, then the question would be a substantial question of law. On the other hand if the question was practically covered by the decision of the highest court or if the general principles to be applied in determining the question are well settled and the only question was of applying those principles to the particular facts of the case it would not be a substantial question of law.' ””

9. It is thus seen that the substantial question of law need not necessarily be a substantial question of law of general importance but must be a question which had not been previously settled by law of the land or a binding prudent and must have a material bearing on the decision of the case.

10. In the instant case, the Appeal as pointed out above, the only question urged to revisit the award granted is to re-examine only the facts determined namely about the deduction for grant of development charges and the documents which had been used for determination of the land value



of the land.

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11. We hold that the award is reasonable and the learned Special Judge, Dharmapuri had considered all aspects while determining the compensation payable. We hold that the said Judgment does not warrant any interference and further that no substantial question of law arises for consideration.

12. The Second Appeal therefore stands dismissed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

[C.V.K., J.]

[K.B., J.]

18.12.2025

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To:

Sub Court, Dharmapuri.



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C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.

vsg

Pre-Delivery Judgment made in

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