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A.S.No.932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 05-11-2025
Pronounced on: 14.11.2025

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

A.S. No.932 of 2020

Mandi Ammal (Died)

... 1st Claimant

Kuppammal (Died)

... 2nd Claimant

1. Gangammal
D/o.Ganapathi Gounder

2. Rajeshwari
D/o.Ganapathi Gounder

3. Mani
D/o.Ganapathi Gounder

4.Suseela
D/o.Ganapathi Gounder

5. Arumugam
D/o.Ganapathi Gounder

6. Selvaraj
D/o.Ganapathi Gounder

All are residing at No.155, Anna Nagar -3,
Arcot Town, Vellore District.

... proposed appellants 1 to 6/legal
heirs of 2nd claimant in LAOP No.40/2002
Vs



1. The Special Thasildhar [LA] (Housing)
Ranipet,
Vellore District.

2. The Tamil Nadu Housing Board,
Rep. By Its Executive Engineer And
Administrative Officer,
Sathuvachari, Vellore 9.

... Respondents 1 & 2/Respondents 1 & 2

3. Gengammal,
W/o.Muniya Gounder

... Respondent No.3/4th Claimant In LAOP

P.Gopal (Died)

4. Krishnaveni
W/o. Late Gopal

5. G.Vasudevan
S/o.Late Gopal,

6. Parimala
W/o.Ashokan
D/o.Late Gopal

7. G.Selvam,
S/o.Late Gopal

8. G.Selvi
W/o.Annamalai
D/o.Late Gopal

All Are Residing At Dharmaraja Koil Street,
Arcot, Vellore District.

...Respondents 4 To 8/LRs Of 5th Claimant/
Claimants 6 To 10 In LAOP



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PRAYER in AS: Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the judgment and decree dated 28.04.2005, made in L.A.O.P.No.40/2002, on the file of Additional District and Sessions Judge [Fast Track Court-II, Ranipet – Vellore District], by allowing the present first appeal and to pass such other order as this Hon'ble Court may deem fit and proper upon the circumstances of the cases and thus render justice.

For Appellant: Mr.A.Gouthaman, Advocate

For Respondents: Mr.M.Murali, Government Advocate (AS)
Mr.S.Ramchandran, Standing Counsel
TNHB for R2

R3 – Insufficient Address

R4 – Died

R5 to R8 Send non appearance

JUDGMENT

Heard.

2. This Appeal Suit has been filed under Section 54 of the Land Acquisition Act, 1894, challenging the judgment and decree dated 28.04.2005



passed in L.A.O.P. No. 40 of 2002 by the learned Additional District and Sessions Judge, Fast Track Court–II, Ranipet, seeking further enhancement of compensation for the acquired lands.

3. The appellants are the legal heirs of Late Kuppammal, 2nd claimant in LAOP 40/2002. After the pronouncement of judgment in LAOP No. 40/2002, dated 28.04.2005, the Revenue Divisional Officer made a reference in LAOP No. 988 of 2013 under Section 30 of the Land Acquisition Act, 1894, due to a dispute regarding the ownership of the property acquired in S.No. 228/3 of Arcot Village. By order dated 06.07.2019, the Special Subordinate Court for LAOP cases decreed that the appellants herein are entitled to 2.32 acres out of the total 3.32 acres of land in S.No. 228/3, proportionately as legal heirs of the second claimant. The appellants have now filed this Appeal Suit against the LAOP No. 40/2002 for enhancement award for their share.

4. The acquisition pertains to lands measuring 3.32 acres in Survey No. 228/3, situated within the limits of Arcot Municipality, which were acquired

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under Award No. 1 of 1985 dated 27.08.1985 for the purpose of the Integrated Urban Development Programme (IUDP). The notification under Section 4(1) was issued on 29.12.1982. The Land Acquisition Officer based on the sale deed data, of the year 1981, treated the acquired land as Manavaridry land and fixed the market value at Rs.51.95 per cent, together with statutory benefits under Sections 23(1A), 23(2) and 28 of the Act.

5. Dissatisfied with the meagre award, the claimants sought a reference under Section 18 of the Land Acquisition Act, contending that the market value fixed was not reflective of the true potential of the property. The reference was registered as L.A.O.P. No. 40 of 2002, and evidence was adduced before the Reference Court. On the side of the claimants, one Selvam (C.W.1) was examined, and Ex.C1 and Ex.C2 were marked. Ex.C1 was a Will executed by the predecessor in title, and Ex.C2 was a registered sale deed dated 30.09.1981, evidencing the sale of nearby land at Rs.7,500/- for 14 cents, indicating a market value of approximately Rs.535/- per cent.

6. On the side of the respondents, the Special Tahsildar (Land



Acquisition) was examined as R.W.1, but no documentary evidence was filed to substantiate the valuation fixed in the award. The Reference Court observed that the Land Acquisition Officer failed to produce the sale statistics register or the Award data statement to justify the figure of Rs.51.95 per cent, and that the sale instance relied upon by the claimants was genuine and proximate in time to the Section 4(1) Notification dated 29.12.1982.

7. Upon considering the evidence, the Reference Court found that the Land Acquisition Officer had failed to appreciate the true potentiality of the land and relied on data sales far removed in distance and time. Holding that the acquired lands were advantageously situated within a developed municipal area with residential potential, the Court enhanced the market value from Rs.51.95 to Rs.350/- per cent with statutory benefits.

8. Aggrieved by the meagre enhancement made by the Reference Court, the legal heirs of the second claimant filed the present appeal contending that the lands covered under the same Award No. 1 of 1985 and Notification dated 29.12.1982 have already been granted compensation at



Rs.1,000/- per cent by this Court in A.S. No. 860 of 2008 dated 12.01.2011

and A.S. No. 109 of 2019 dated 08.03.2019, and therefore, the appellants are entitled to the same rate.

9. The points for consideration :Whether the appellants are entitled to enhancement of compensation from Rs.350/- per cent to Rs.1,000/- per cent in view of the uniform rate fixed by this Court in connected cases arising under the same Award No. 1 of 1985 and Section 4(1) Notification dated 29.12.1982.

10. It is now settled through an appeal arising from the very same acquisition scheme, notification, award that this court has taken a view in favour of the land owners. This Court in A.S. No. 860 of 2008 held that the lands acquired for the same project were situated in a developed municipal area with clear residential potential and accordingly confirmed the enhanced compensation of Rs.1,000/- per cent in LAOP No.326 OF 2002 dated 31.05.2006 and dismissed the appeal .The same finding was affirmed by this Court in A.S. No. 109 of 2019, wherein the appeal filed by the Government



was dismissed, confirming the said rate which states as follows:

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“2. Earlier, challenging the above said award passed by the Reference Court, the Land Acquisition Officer has filed an appeal against the very same award passed in respect of some of the landowners in A.S. No.860 of 2008 before this Court, and this Court by judgment dated 12.01.2011 dismissed the appeal, and thereby, confirmed the enhancement of compensation passed by the Reference Court. Admittedly, the respondents herein also one of the petitioners before the Reference Court and his lands are also covered in the same notification. But, however, at that time, the Government has not filed any appeal against the enhancement of compensation passed in favour of the respondents herein.

3. Considering the fact that already in respect of similar notification, enhanced compensation awarded by the Reference Court has been confirmed by this Court, and the respondents herein are also entitled to get the same benefit. Hence, the present Appeal stands dismissed in view of the judgment passed in A.S. No.860 of 2008, dated 12.01.2011, and thereby, the award passed by the Reference Court is confirmed. No



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costs. Consequently, the connected Civil Miscellaneous Petition is also closed”.

11. In view of these determinations arising from the same acquisition and involving the same acquiring body, there is no scope for a different view in this appeal. To perpetuate a lower rate here would run counter to the principle of equality and uniformity in compensation.

12. Accordingly, adopting the findings and reasoning of this Court in A.S. No. 860 of 2008 and A.S. No. 109 of 2019, the compensation is enhanced from Rs.350/- per cent to Rs.1,000/- per cent. The appellants are also entitled to all statutory benefits under Sections 23(1A), 23(2) and 28 of the Land Acquisition Act, 1894. The respondent No. 2 is directed to deposit the differential compensation within three (3) months from the date of receipt of this judgment, before the Reference Court, for disbursement to the appellants as per their entitlement.



13. In fine, this appeal is allowed. There shall be no order as to costs.

The connected Civil Miscellaneous Petition is closed.

14.11.2025

jv

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The Special Thasildhar [LA] (Housing)
Ranipet,
Vellore District.
2. The Executive Engineer And
Administrative Officer,
Tamil Nadu Housing Board,
Sathuvachari, Vellore 9.
3. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.



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DR. A.D. MARIA CLETE, J

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