



WEB COPY

AS No.10 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

AS No. 10 of 2019

1. Syed Sulthan Beevi

2. Mohammed Rafick

...Appellants

Vs

1. The Union of India,
Rep. By the Secretary to Government
(Revenue) Pondicherry.

2. The Land Acquisition Officer cum
Deputy Collector (Revenue),
Karaikkal.

...Respondent(s)

PRAYER: This appeal suit has been filed under Section 54 of the Land Acquisition Act, 1894., against the judgement and decree dt.28.02.2012 passed in LAOP. No.38/2011 on the file of the learned District Judge, Karaikkal.

For Appellant(s): Ms.G.Lavanya
for M/s.T.Saikrishnan

For Respondent(s): Mr.P.S.Kothandaraman, GA
Puducherry RR1 & 2



JUDGMENT

WEB COPY Aggrieved by the order passed by the learned District Court at Karaikkal dated 28.02.2012 in LAOP No.38/2011, the claimants have preferred this appeal suit for enhancement of compensation.

2. There was a reference made by the Land Acquisition Officer under Section 18 of the Land Acquisition Act regarding the acquisition in respect of the land comprised in R.S.No.221/4 situated at Vanjore Revenue Village at Vanjore to an extent of 01H.18A.86Ca acquired by the Government for the purpose of development of Port at Vanjore vide award No.8729 of 2005 dated 05.02.2010.

3. The brief case of the claimants is as follows: The respondent, Government of Puducherry, acquired the lands under Section 4(1) of the Land Acquisition Act, vide notification dated 29.12.2005, for the purpose of development of Port at Vanjore Revenue Village at Vanjore. The claimants land comprised in RS.No.221/4, situated at Vanjore Revenue Village to an extent of



01H.18A.86Ca was acquired. The enquiry under Section 11 of the Land

Acquisition Act was conducted and the second respondent herein passed an

award to the tune of Rs.6,65,845/- fixing the rate at Rs.3,804/- per Are. The

appellants protested the claim and claimed compensation under Section 18(1) of

the Land Acquisition Act, seeking Rs.75,000/- per Are. According to the

claimants, the land was situated at prime location, surrounded by 34 small-scale

industries and Railway Station. The land did not require any sand filling or

reclamation and it was on a pucca road. The second respondent collected data of

24 sale deeds registered during past one year of the date of notification. The

second respondent had retained seven sale deeds and rejected 17 others. The

respondent fixed Rs.3,804/- as prevailing market value for one Are. According

to the claimants, the second respondent has conveniently rejected the sale deeds

which carried a higher amount and chose only sale deeds which was convenient

to the Government as it carried very less amount.

4. The respondents herein has filed a detailed counter stating that there

was no error or illegality in arriving at a sum of Rs.3,804/- per Are. Indeed, the

Government have fixed Rs.4,965/- per Are and deducted 23.38% towards

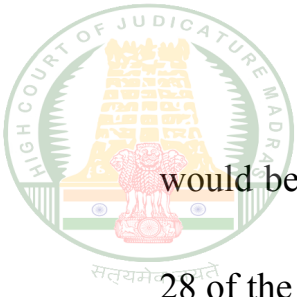


development charges. Thereafter, arrived at the said sum of Rs.3,804/- per Are.

The respondent official also stoutly denied the averment made by the claimants that the land was situated at prime locality. The second respondent stated in his counter that the land was at far away from the Railway station. The second respondent, therefore, contended that the amount sought for at Rs.75,000/- per Are, is exorbitant and the same need not be considered.

5. During the trial, the first appellant herein has chosen to examine herself as CW1 and the Thasildar has examined as RW1 on the side of the Government. Nine documents were filed on the appellants side and four documents were exhibited on the respondent side.

6. The reference court, on an analysis of entire materials placed materials, enhanced the compensation payable to the appellants at Rs.7,000/- per Are. The learned Judge also fixed solotium at 30% as per Section 23(2) of the Land Acquisition Act and held that the appellant would be entitled for 12% for additional market value from the date of 4(1) Notification till the date of taking possession of the land. The reference Court further held that the claimants



would be entitled for statutory interest on such enhanced amount under Section

28 of the Land Acquisition Act. Aggrieved by the same, seeking enhancement of

compensation, the claimants have come forward with this appeal suit.

7. When the matter is taken up for hearing, the learned counsel for the appellants submitted that the issue involved in the present appeal is no longer *res integra* and the similar issue has already been decided by the learned Single Judge of this Court in A.S.No.568 to 580 of 2012 etc., batch on 20.03.2014 and therefore the same order may be passed in the present appeal as well.

8. Learned Government Advocate appearing for the respondents has not disputed the facts submitted by the learned counsel for the appellants and he has no serious objection for the said order being passed.

9. The learned Single Judge of this Court, vide order dated 20.03.2014 made in A.S.Nos.568 to 580 of 2012 etc., **batch** in the case of ***Ayisha Cani and others Vs. Secretary to Government, Revenue Department, Pondicherry and another***, in identical circumstances which was also relied upon by the learned



counsel for the appellants held as under:-

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"In the result, the appeals filed by the claimants/appellants are allowed in part as indicated above enhancing the value by Rs.1500/- per Are thereby fixing the amount at Rs.8500/- per Are (ie., Rs.7000/- + Rs.1500/- = Rs.8500/-) In all other respects, as regards the other statutory benefits, viz., solatium and interest, the orders of the reference court stand confirmed. However, there shall be order as to costs."

10. In view of the above fact that the earlier appeal suits involving similar issue being allowed in part by this Court, in the aforesaid terms, the present appeal suit is to be allowed in part in terms of the above said order of this Court dated 20.03.2014 made in A.S.Nos.568 to 580 of 2012 etc., batch.

11. In the result, the Appeal Suit is allowed in part enhancing the value by Rs.1500/- per Are, thereby fixing the amount at Rs.8,500/- per Are (ie., Rs.7000/- + Rs.1500/- = Rs.8,500/-) In all other respects, as regards the other statutory benefits, viz., solatium and interest, the orders



of the reference court stand confirmed. However, there shall be order as
to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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