



A.S.No.314 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

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CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

A.S.No.314 of 2023

The Special Tahsildar (Land Acquisition)
SIPCOT, Sriperumbudur Scheme
Sriperumbudur Taluk
Kancheepuram District

.. Appellant

v.

1. Rajendiran
S/o K.N.Mudaliar

2. Managing Director
SIPCOT Limited
Egmore, Chennai

.. Respondents

Memorandum of Grounds of First Appeal filed under Section 54 of the Land Acquisition Act against the judgment and decree dated 14.06.2016 made in L.A.O.P.No.1298 of 2008 on the file of the Sub Court at Kancheepuram.

For Appellant :: Mrs.R.Anitha



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Special Government Pleader (AS)

For Respondents :: Mr.A.S.Vijay Anand for R1
Mr.R.Viduthalai
Senior Counsel for
Mr.Ramesh Venkatachalapathy
for R2

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The appeal suit is preferred against the judgment and decree dated 14.06.2016 passed by the learned Subordinate Judge, Kanchipuram in L.A.O.P.No.1298 of 2008.

2. The Special Tahsildar (Land Acquisition), SIPCOT, Sriperumbudur Scheme is the appellant in the first appeal, the claimant is the first respondent and the beneficiary, namely, the Managing Director, SIPCOT Limited, Egmore, Chennai-8 is the second respondent in the first appeal.

3. The Land Acquisition Officer fixed the compensation amount of Rs.150/- per cent and the said compensation amount was enhanced to a sum

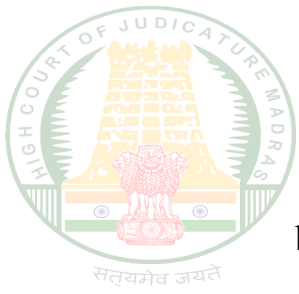


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of Rs.6,534/- per cent by the Trial Court. Challenging the said enhancement, the Special Tahsildar (Land Acquisition) preferred the present appeal suit.

4. Various grounds are raised by the appellant and the learned Special Government Pleader appearing on behalf of the appellant made a submission that the issues raised in the present appeal suit were already decided by the Hon'ble Division Bench of this Court in the case of *Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur vs. Sundari Bai and Another* [2009 SCC OnLine Mad 2459] and the relevant paragraphs 10, 11 and 12 of the Hon'ble Division Bench judgment of this Court, cited supra, are extracted hereunder:-

“10. Having regard to the above factors, we are of the considered opinion that for fixing the land value as stated by us earlier, it will be safe to rely upon the sale deed dated 1.12.1995 in respect of Survey No. 354/3 which land is also located in the very same Katrambakkam village which was marked as Ex.C.6 in the earlier batch of cases as referred above. Though this document has not been marked in the present case, we are inclined to take note of this document for arriving at a fair market value, and there is no serious objection



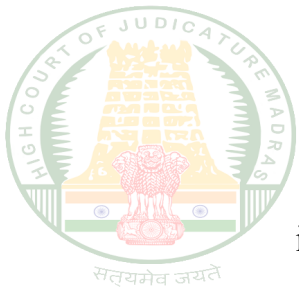
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by the learned counsel appearing for the parties to this course of action to be adopted. Further, the acquisition covers an area of 117 hectares, and hence we are of the view that in order to apply a uniform sale value, a moderation can be made to the sale value covered by the said Ex.C.6. In our considered opinion, the price of Rs. 4,600 per cent can be reduced by 20% of the value by way of moderation. On that basis, if worked out, the sale value comes to Rs. 3,680/- per cent. As stated by us, the development of the land had to be made by the SIPCOT after the acquisition for which Requisitioning Body had to incur substantial amount. As held by the Hon'ble the Supreme Court in various decisions, having regard to the extensive development that had taken place after the acquisition, we are of the considered opinion that the percentage applied in respect of Aaraneri village which is also located 34 K.Ms. away from City of Chennai, can be applied to the case on hand. In that case, for development charges 43% was deducted for arriving at the net market value of the land. Applying the same principles and the rate of reduction at 43% on the sale value of Rs. 3,680/- applicable sale value works out to Rs. 2098/- which can be rounded-off to Rs. 2,100/- per cent.

11. As far as the decision relied upon by learned counsel for the claimants are concerned, we find that since the same were



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involved in the special facts of those cases, the same cannot be applied to the facts of the present case.

12. To sum up in the result, all the appeals are partly allowed as indicated below:-

(a) the land value in all these appeals are fixed at Rs. 2,100/- per cent with 30% solatium.

(b) the claimants are entitled to an additional amount of 12% per annum, from the date of notification issued under Section 4(1) of the Land Acquisition Act, till the date of Award of the Referring Officer, or taking possession of the land, whichever is earlier;

(c) the claimants are entitled to 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposit;

(d) Any excess amount deposited, after satisfying the above award, is permitted to be withdrawn by the appellant in all the appeals.

(e) Learned Special Government Pleader (AS) and learned counsel appearing for SIPCOT shall be entitled to separate fees for each of the Appeals;

(f) there shall be no order as to costs.

(g) All the connected miscellaneous petitions are closed.”



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5. The learned counsel appearing on behalf of the first respondent/claimant made a submission that the development charges are to be reduced and even enhancement is to be made as done in other land acquisition proceedings.

6. This Court is of the considered opinion that such contentions deserve no consideration at this length of time, in view of the fact that in respect of the very same acquisition, the enhancement granted by the Trial Court is confirmed by the Hon'ble Division Bench of this Court with certain modifications, as stated supra. Thus, this Court has to follow the same in order to maintain consistency in the matter of award of just compensation to the respondent/claimant, who is similarly placed.

7. In view of the fact that the Hon'ble Division Bench of this Court in the case of *the Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur vs. Sundari Bai and Another* [2009 SCC Online Mad 2459] has decided the very same issue in respect of the acquisition proceedings in the same location, the said Division Bench order is to be followed in the



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case of the first respondent/claimant in this appeal suit.

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8. The appellant as well as the second respondent are directed to settle the compensation and all other benefits to the first respondent/claimant, within a period of twelve weeks from the date of receipt of a copy of this judgment.

9. Accordingly, the appeal suit stands partly allowed in terms of the orders of the Hon'ble Division Bench of this Court, cited supra. Consequently, C.M.P.Nos.11523 of 2023 & 3279 of 2025 are closed. However, there shall be no order as to costs.

Index : yes

Neutral citation : yes

ss

To

(S.M.S.,J.) (K.R.S.,J.)

19.02.2025

1. The Subordinate Judge
Kancheepuram

2. The Special Tahsildar (Land Acquisition)
SIPCOT, Sriperumbudur Scheme
Sriperumbudur Taluk
Kancheepuram District



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3. The Managing Director
WEB COP SIPCOT Limited
Egmore, Chennai 600 008



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S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

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