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S.A. Nos. 301 and 336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.12.2025

PRONOUNCED ON : 12.01.2026

**THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR. JUSTICE K.KUMARESH BABU**

**S.A. Nos. 301 and 336 of 2022
and CMP Nos. 6541 and 6974 of 2022**

S.A. No. 301 of 2022:-

1.The District Collector
Dharmapuri District
Dharmapuri.

2.The Special Tahsildar (ADW)/
Land Acquisition Officer
Dharmapuri.

.... Appellants

-VS-

Balammal

....Respondent

Prayer: Appeal filed under Section 100 of Code of Civil Procedure, read with Section 13 of the Tamilnadu Land Acquisition of Land for Harijan Welfare Schemes Act, 1978, against the judgment and decree dated 09.12.2019 made in CMA (LA) No. 04 of 2000 on the file of Sub Court, Dharmapuri modifying the Award No. 15/ADW/1997-1998, ROC.No. 2591/97(A) dated 22.03.1999, on the file of the Special Tahsildar (ADW) and Land Acquisition Officer, Dharmapuri.

For Appellants : Ms.R.Anitha, SGP

For Respondent : Mr. P.Valliappan, Senior Counsel
Asst. by Mr. K.M.Hareesh
For M/s. P.V. Law Associates



S.A. Nos. 301 and 336 of 2022

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1. The District Collector
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Land Acquisition Officer
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.... Appellants

-VS-

K.Subramanian

....Respondent

Prayer: Appeal filed under Section 100 of Code of Civil Procedure, read with Section 13 of the Tamilnadu Land Acquisition of Land for Harijan Welfare Schemes Act, 1978, against the judgment and decree dated 31.03.2021 made in CMA (LA) No. 03 of 2000 on the file of Sub Court, Dharmapuri modifying the Award No.15/ADW/1998-1999, Na.Ka.No. 2591/97(A) dated 22.03.1999, on the file of the Special Tahsildar (ADW) and Land Acquisition Officer, Dharmapuri.

For Appellants : Ms.R.Anitha, SGP

For Respondent : Mr.P.Valliappan, Senior Counsel
Asst. by Mr.K.M.Hareesh
For M/s.P.V.Law Associates

COMMON JUDGMENT

(Order of the Court was made by **Mr. K.KUMARESH BABU.,J.**)

We have heard Ms. R.Anitha, learned Special Government Pleader appearing for the appellants and Mr. P.Valliappan, learned Senior Counsel appearing for the respondents.



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2. The learned Special Government Pleader appearing for the appellants would submit that total extent of 1.01.0 hectares and 0.20.0 hectares were sought to be acquired from the respondents respectively for providing free house sites to the homeless people belonging to Arunthathiyar community under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter referred to as 'the Act'). Pursuant to the same, Section 4(1) notices were published under the Act on 08.01.1999 and thereafter, awards came to be passed on 22.03.1999 awarding a compensation of Rs.1,83,420/- and Rs.36,631/- respectively by fixing the market value at Rs.1,57,917/- per hectare by taking into consideration a sale deed dated 09.07.1998 in respect of Survey Nos. 598/2A and 595/2A, which are also classified as 'Manavari Punjai lands'. Aggrieved against the same, the land owners have preferred two independent appeals in C.M.A. (LA) Nos. 3 and 4 of 2000. She would submit that the Court below had passed a judgment and decree in C.M.A. (LA) No. 4 of 2000 on 09.12.2019 and in C.M.A. (LA) No. 3 of 2000 on 31.03.2021, whereby enhanced the compensation of Rs.21/- per square feet without any substantive documentary evidences submitted by the respondents, except the oral evidence of the respondents. The Court below had also failed to see the reasoning

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advanced by the appellants based on the statistical data available under Ex.B2 and the award under Ex.B1 in C.M.A. (LA) No. 4 of 2000. She would submit that such findings that had been arrived at is wholly without any materials whatsoever. Following the enhancement ordered by the Court in C.M.A. (LA) No. 4 of 2000, the Court below had also followed the enhancement made therein in C.M.A. (LA) No.3 of 2000 in judgment and decree dated 31.03.2021. She would vehemently contend that as the enhancement itself is not supported by any material documents, and hence, the judgment and decree impugned in the second appeal are liable to be interfered with by this Court and the award passed by the authorities has to be upheld.

3. Countering his arguments Mr.P.Valliappan, learned Senior counsel appearing on behalf of Mr.K.M.Hareesh of M/s.P.V. Law Associates for the respondents in both the appeals would contend that the lands are situated in the main highway and it is surrounded only by the house sites, which have also been approved by the appropriate Planning Authority of the region. He would submit that in such circumstances, the market value of the land calculated by the appellants on the basis that the said land is an agricultural land itself is wholly erroneous. He would submit that the market value of the land should have been assessed only

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on the basis of the square feet basis and not as an agricultural land. He would submit that even assuming that there are no documentary evidence to substantiate the market value, by taking the judicial note of the fact that the lands are located in an advantageous position near Dharmapuri Town and that the factual reasoning that have been attributed by the Court below, there is no necessity for this Court to interfere with the judgment of the Court below where the lands of the respondents have been acquired. Hence, he seeks this Court to dismiss the appeal.

4. We have considered the submissions made by the learned counsels appearing on either side and perused the material placed on record, apart from the pleadings of the parties.

5. At the time of admission, this Court had framed the following substantial questions of law:-

“(i) Whether the learned Subordinate Judge, Dharmapuri was right in accepting the oral evidence of the claimant as suppose to the documentary evidence that has been placed before her by the Land Acquisition Officer.

(ii) Whether the learned Subordinate Judge was right in



fixing the value of the land on square feet basis when the acquisition is of a large extent of land.”

6. The questions of law formulated by this Court vide order dated 02.04.2024 in our considered view have to be dealt together. The market value of the land that had been acquired had been fixed @ Rs.1,57,918/- per hectare based upon the sale deed dated 09.07.1998 pertaining to lands in Survey No. 598/2A and 595/2A, which were sold under the said Sale deed. The data land details and the sketch relating to the land acquired and the locality along with survey numbers had been marked as Exs.B1 and B2 respectively.

7. As rightly pointed out by the learned Special Government Pleader for the appellants, no documentary evidences have been produced in by the respondents to substantiate the claim relating to the market value. In C.M.A. (LA) No.4 of 2000 against which S.A. No. 301 of 2022 is filed, it could be seen that the claimant therein had examined herself as CW1 and had not marked any documents whatsoever to support her oral evidence. No independent witnesses were also examined along with relevant documentary evidence to substantiate the market value of the property.



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8. With the aforesaid findings, we are of the considered view that the Court below was in error in accepting the oral evidence of the claimants for arriving at the market value of the lands. Hence, the substantial question of law as framed under Question No. (i) is found in favour of the appellants.

9. The next issue is as to whether the Court below was right in fixing the value of the land in square feet and if so, what would be the market value of the land based upon the documents that are available on record.

10. Since we have arrived at the conclusion that the Court below ought not to have relied upon the oral evidence of P.W.1 in C.M.A. (L.A.) No. 4 of 2000 for the purpose of fixing the market value of the acquired land, the normal course would have been to remit the matter to the first appellate Court for a fresh determination. Section 103 of the Code of Civil Procedure empowers this Court, in a second appeal, to determine issues of fact where the evidence on record is sufficient and where such determination is necessary for the disposal of the appeal. The Hon'ble Apex Court has also recognized the power of the High Court on that aspect.



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11. In the judgment on 19th October, 2010 in the case of ***Municipal Committee, Hoshiarpur v. Punjab State Electricity Board*** as reported in ***(2010) 13 SCC 216***, of Paras 26 to 28, the Apex Court held as follows:

“26. Thus, it is evident that Section 103 CPC is not an exception to Section 100 CPC nor is it meant to supplant it, rather it is to serve the same purpose. Even while pressing Section 103 CPC in service, the High Court has to record a finding that it had to exercise such power, because it found that finding(s) off act recorded by the court (s) below stood vitiated because of perversity. More so, such power can be exercised only in exceptional circumstances and with circumspection, where the core question involved in the case has not been decided by the court(s) below.

27. There is no prohibition on entertaining a second appeal even on a question of fact provided the court is satisfied that the findings of fact recorded by the courts below stood vitiated by non-consideration of relevant evidence or by showing an erroneous approach to the matter i.e. that the findings of fact are found to be perverse. But the High Court cannot interfere



with the concurrent findings of fact in a routine and casual manner by substituting its subjective satisfaction in place of that of the lower courts. (Vide Jagdish Singh v. Natthu Singh [(1992) 1 SCC 647]; Karnataka Board of Wakf v. Anjuman-E-Ismail Madris-Un-Niswan [(1999) 6 SCC 343] and Dinesh Kumar v. Yusuf Ali [(2010) 12 SCC 740].)

28. If a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then the finding is rendered infirm in the eye of the law. If the findings of the Court are based on no evidence or evidence which is thoroughly unreliable or evidence that suffers from the vice of procedural irregularity or the findings are such that no reasonable person would have arrived at those findings, then the findings may be said to be perverse. Further if the findings are either ipse dixit of the Court or based on conjecture and surmises, the judgment suffers from the additional infirmity of non-application of mind and thus, stands vitiated. (Vide Bharatha Matha v.



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R. Vijaya Renganathan [(2010) 11 SCC 483]”

12. In another judgment on 17th February, 2021, the Apex Court in ***Narayan Sitaramji Badwaik (Dead) Through LRs. v. Bisaram & Ors*** reported in ***(2021) 15 SCC 234***, it was observed in the context of High Courts’ jurisdiction to appreciate factual issues under Section 103 IPC, which is extracted for better appreciation:

“11. A bare perusal of this section clearly indicates that it provides for the High Court to decide an issue of fact, provided there is sufficient evidence on record before it, in two circumstances. First, when an issue necessary for the disposal of the appeal has not been determined by the lower Appellate Court or by both the Courts below. And second, when an issue of fact has been wrongly determined by the Court(s) below by virtue of the decision on the question of law under Section 100 of the Code of Civil Procedure.”

13. In the present case, no serious challenge or lack of confidence has been expressed by the respondent/claimant with respect to Exhibits B2 and B3 in C.M.A. (L.A.) No. 4 of 2000, which pertain to comparable data lands situated in the vicinity of the acquired lands. In exercise of the

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jurisdiction under Section 103 CPC, and upon a careful scrutiny of Exhibits B2 and B3 already on record, this Court proposes to independently assess the market value of the land without remitting the matter back. This course is further warranted considering that nearly twenty-six years have elapsed since the acquisition, and the landowner ought not to be made to suffer prolonged litigation and denial of just compensation due to errors committed by the Court below.

14. Under Ex.B3 in C.M.A. (LA) No. 4 of 2000, it could be the seen that the lands that had been acquired is situated in Survey Nos. 598/4 and the data land that had been taken in Survey No. 598/2A is little far away from the acquired lands, i.e., at a distance of 0.4 kilometers. Bang opposite to the lands acquired lies Survey No. 600. From the data that had been annexed under Ex.B2 in the typed set of papers, it could be seen that various sales have taken place around the lands that have been acquired and predominantly. The lands have been sold as house sites. A land, which is situated little far away and similar in nature to the acquired lands, had been taken to arrive at the market value of the land without taking into account the land that is situated just opposite to the acquired lands, which also forms part of the data land and which is comprised in Survey No. 600/2A. The same had been sold as a house site, which would

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also evidence that the lands, that had been acquired, could also be treated as house sites. We also come to such conclusion that the land could be utilized as house sites is also on the basis that the various other lands in the data land under Ex.B2 in C.M.A. (LA) No. 4 of 2000, which have been sold during the relevant point of time, have all been sold only as house sites. Hence, we find that the Court below is not wrong in assessing the market value of the land on the basis of the square feet. What remains to be decided is what could be the market value of the land.

15. Based on the data lands under Ex.B2 in C.M.A. (LA) No. 4 of 2000 dated 13.08.1998 in respect of Survey No. 600/2A measuring an extent of 5213.200 square feet, which was valued at Rs.23,067/-, the value of the land per square feet comes to Rs.4.98. We are of the view that the same could be rounded off to Rs.5/- and we fix the market value of the land that had been acquired at Rs.5/- per square feet. Since the lands are agricultural lands and to convert the same as house sites, we are of the considered view that 25% deduction could be made on the value of the lands that are acquired and deducted from the total compensation, apart from the land owners being entitled to Solatium and other interests as per the Act.



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16. In fine, these Second Appeals stand partly allowed and we hold that the land owners shall be entitled to value of Rs.5 per square feet on the total extent of lands acquired by them respectively, after deduction of 25% of the value of the land so arrived together with Solatium @ 15% on the total value of the land together with interest at the rate of 6% per annum. No order as to costs.

(C.V.K., J.) (K.B., J.)
... .01.2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No

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**C.V. KARTHIKEYAN, J.
and
K. KUMARESH BABU, J.**

Maya

To

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Special Tahsildar (ADW)/
Land Acquisition Officer
Dharmapuri.
3. The Section Officer,
VR Section, High Court,
Madras.

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Dated : ... 01.2026