



WEB COPY

AS No. 17 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-02-2026**

CORAM

**THE HON'BLE MR JUSTICE N. SATHISH KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**AS Nos. 17, 18, & 19 of 2024**

**A.S.No.17 of 2024**

Prabakaran  
S/o. Thambusamy

..Appellant

Vs

1. Union of India  
Rep by the Secretary to Government (Rev.)  
Government of Pondicherry.
2. The Sub Collector, (Rev) (North) cum Land  
Acquisition Officer, Saram, Puducherry.

..Respondent(s)

This appeal has been filed under Section 96 of the CPC against the award passed in LAOP No.62/2008 on the file of the II Additional District Court, Puducherry dated 29.07.2015

**A.S.No.18 of 2024**

G.Muthaiyan  
S/o. Govindasamy

..Appellant



Vs

3. Union of India  
Rep by the Secretary to Government (Rev.)  
Government of Pondicherry.
4. The Sub Collector, (Rev) (North) cum Land  
Acquisition Officer, Saram, Puducherry.

..Respondent(s)

This appeal has been filed under Section 96 of the CPC against the award passed in LAOP No.57/2008 on the file of the II Additional District Court, Puducherry dated 29.07.2015

**A.S.No.19 of 2024**

Muthuvel  
S/o. Nagalingam

..Appellant

Vs

1. Union of India  
Rep by the Secretary to Government (Rev.)  
Government of Pondicherry.
2. The Sub Collector, (Rev) (North) cum Land  
Acquisition Officer, Saram, Puducherry.

..Respondent(s)

This appeal has been filed under Section 96 of the CPC against the award passed in LAOP No.53/2008 on the file of the II Additional District Court, Puducherry dated 29.07.2015



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For Appellant(s): Mr. K.Abhiramee,  
in all appeals : for Mrs.Srimathi V.

For Respondent(s): Mr. J.Kumaran,  
in all appeals : AGP(Pondy)

### **COMMON JUDGMENT**

**(Judgment of the Court was delivered by N.Sathish Kumar J.)**

All the appeals have been filed challenging the Awards passed by the Reference Court, whereby the compensation was enhanced from Rs.75/- per square feet into Rs.175/- per square feet. .

2. Since all the three appeals arise out of the awards passed in connection with the acquisition of properties for the purpose of construction of a Cricket Stadium at Kathirkamam, Outgaret Revenue Village, and since the witnesses examined and documents marked in all the three cases are one and the same,



this Court is inclined to dispose of all the appeals by way of a common judgment.

3. The appellants, who are the land owners, have preferred these three appeals challenging the awards passed by the Reference Court in respect of the lands measuring a total extent of 14.96.50 hectares situated at Kathirkamam, Outgaret Revenue Village, Puducherry, acquired by the Government for the construction of Cricket Stadium and other infrastructure amenities.

4. Notification under Section 4(1) of the Land Acquisition Act was issued on 27.05.2005 and the declaration under section 6 of the Act was made on 09.06.2005. The Land Acquisition Officer, by award dated 12.06.2007, fixed the compensation at the rate of Rs.75/- per square feet.

5. Aggrieved by the said award, the land owners sought reference under Section 18 of the Act in L.A.O.P.Nos.62, 57, and 53, of 2008 before the Reference Court relating to

- A.S.No.17 of 2024 - Survey No.239/2011 - to an extent of 2142 sq.ft.
- A.S.No.18 of 2024 - Survey Nos.239/11 & 241/6 - to an extent of 1800 sq.ft.



- A,S,19 of 2024 - Survey No.239/2011 & 241/6 – to an extent of 1800 sq.ft

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6. Before the Reference Court, P.W.1 and P.W.2 were examined on the side of the land owners and Exs.A1 to A6 marked. On the side of the respondent, R.W.1 was examined and Exs.B.1 to B5 marked.

7. The Reference Court, on consideration of the oral and documentary evidence, enhanced the compensation from Rs.75/- per sq.ft to Rs.175/- per sq.ft . Not satisfied with the quantum of enhancement, the present appeals have been filed.

8. The learned counsel appearing for the appellants would submit that in the respect of similar acquisitions made for the very same purpose in the lands situated in the adjacent survey numbers, a Division Bench of this Court in A.S.Nos.249 and 250 of 2018 enhanced the compensation from Rs.175/- to Rs.500/- per square feet. Apart from this, 30% solatium, 12% additional amount under Section 23(1-A) of the Act, together with interest at 15% for the first one year from the date of taking possession and 9% thereafter, till the date of payment, were granted.



9. It is further contended by the learned counsel that the judgment was also challenged before the Hon'ble Supreme Court in Diary No.39073 of 2024 and that was also dismissed. Since the very same documents and evidence have been relied upon in the present case, the said judgment squarely applies to the present claimants/land owners also.

10. The learned Additional Government Pleader has not disputed the fact that the judgment of the Division Bench in Appeal Suit Nos.249 and 250 of 2018 was challenged before the Hon'ble Supreme Court and that the Special Leave Petition was dismissed.

11. Though it is submitted by the learned Additional Government Pleader that a review petition has been filed before the Hon'ble Supreme Court, no details whatsoever have been placed before this Court.

12. Be that as it may, it is seen that Division Bench has elaborately considered Exs.A1 to A4, which were also marked in the reference proceedings in the L.A.O.Ps, the particulars of which are as follows:-



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| Ex. | Date       | S.no. | Extent<br>(sq.ft) | Cost Per<br>Sq.ft. | Total<br>consideration |
|-----|------------|-------|-------------------|--------------------|------------------------|
| A1  | 26.08.2004 | 173/1 | 1800              | Rs.555.5           | Rs.10,00,000/-         |
| A2  | 27.01.2005 | 209/1 | 5640 sq.ft.       | Rs.115.3           | Rs.6,50,000/-          |
| A3  | 07.01.2005 | 193/1 | 798 sq.ft.        | Rs.388.5           | Rs.3,10,000/-          |
| A4  | 06.06.2005 | 161/2 | 900 sq.ft.        | Rs.555.5           | Rs.5,00,000/-          |

13. It is not in dispute that the subject lands covered under the above survey numbers are also situated in the very vicinity of the acquired lands. The Division Bench, after considering the materials on record, held as follows:-

*“ 11. The entire land under acquisition is situated in Survey Nos.241/4 and 246/3. The land covered by the four sale deeds referred to above are also situated in the very vicinity of the acquired lands. A perusal of the topo sketch which has been marked as Ex.B.3 shows that the lands covered by the exemplar sale deeds are a little farther away from Puducherry town than the acquired lands. The lands covered by the exemplar sale deeds are also nearer to Villupuram-Pondichery road than the acquired lands. Therefore, we are of the opinion that rejection of these exemplar sale deeds by the Reference Court is unjust and improper. Once it is shown that the lands covered under the exemplar sale deeds are in the vicinity of the acquired lands, while calculating compensation on the basis of the exemplar method, the Reference Court is obliged to take those documents into consideration and it ought not to have rejected the same on a flimsy reason that the said lands are not nearer to the*



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acquired lands. This reasoning of the learned Additional District Judge, in our considered opinion, demonstrates her inability to comprehend the principle of fixation of compensation in land acquisition matters. We, therefore, find that any one of these sale deeds must form the basis for fixation of the value of the lands acquired. As we had already pointed out, a Division Bench of this Court in ***The Special Tahsildar v. Palin Reshma Jacob and another (supra)*** had held that the sale deed which reflects the highest value should form the basis for determination of compensation. In doing so, the Division Bench has only reiterated the law laid down by the Hon'ble Supreme Court in ***Mehrawal Kheaji Trust v. State of Punjab [2012-4.L.W.109]***.

14. In the present case, the issue has already attained finality. The very same documents and witnesses relied upon in these appeals were considered by the Division Bench in the earlier batch of appeals relating to the same acquisition. Hence, this Court is of the view that the decision taken by the Division Bench of this Court has to be followed.



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15. Accordingly, relying upon the above judgment of the Division Bench of this Court,

(i) all the three appeals are allowed.

(ii) the compensation is enhanced to Rs.500/- per square feet, as fixed by the Division Bench, together with statutory benefits, namely:

- 30% solatium under Section 23(2) of the Act,
- 12% additional amount payable under Section 23(1-A) of the Act and
- interest at 15% per annum for the first one year from the date of taking possession and 9% per annum thereafter till the date of payment.

No costs.

(N.S.K.,J.) (R.S.V.,J.)

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes

MRP



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To

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Puducherry
2. Union of India  
Rep by the Secretary to Government (Rev.)  
Government of Pondicherry.
3. The Sub Collector  
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**N.SATHISH KUMAR, J.**

**AND**

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