

(1927) 03 MAD CK 0067
In the Madras High Court

Chettiammal and Others

APPELLANT

Vs

Collector of Coimbatore

RESPONDENT

Date of Decision : 25-03-1927

Acts Referred:

Citation : AIR 1927 Mad 867

Judgement

1. This is an appeal in a land acquisition case. The land acquired was held as a widow's estate by one Nanjammal. An award was passed for a sum of Rs. 2,107, to which she did not object. A reference was, however, made to the Court under S.18, of the Act at the instance of her two daughters and their sons, who claimed compensation to the amount of about Rs, 20,000. The Subordinate Judge raised the compensation to over Rs. 4,000 and the daughters and their sons appeal.

2. A question has been raised whether the reversioners had such an interest in the land as to entitle them to claim a reference. A similar question was raised in the case reported Gopayya v. Deputy Collector of Tenali A. I. R. 1922 Mad. 100 but was not decided for there the widow had surrendered her estate to the reversioner after her claim but before the reference. It has been held in Brij Kishore Lal v. Pratap Narain [1919]4 Pat. L. J. 360 that a reversioner has an interest which entitles him to protect the corpus of the estate. That decision has been followed by Ramesam, J. in Adanamoli Chetti v. Chinnasami Reddi A. I. R. 1926 Mad. 959 In view of all that has happened in this particular case, we think it better to express no opinion either way on the question raised. The present appellants were made parties to the proceedings by the acquisition officer, who, curiously enough, made an award jointly in their favour and in that of the widow. Then they claimed and obtained a reference u/s 18 with the result that the compensation was enhanced. If the legal objection is valid, the further result would be that the original award would have to be restored, although there has been no appeal by Government. Under the circumstances, the best course seems to be that the objection should not be considered and that the appeal should be heard on the merits.

3. [This appeal coming on for hearing on the merits on 24th February 1927, and having stood over for consideration till 4th March 1927, the Court delivered the following:]

JUDGMENT

4. The claimants now ask for a total sum of Rs, 13,000. They rely on certain sale deeds by which small plots of land in the vicinity of survey No. 29 have been sold at very high rates. These documents were executed between the years 1919 and 1922 and evidence sales at rates which vary from 5000/- to 2200/- an acre. The sites conveyed by them were in S. No. 26, 49, 50 and 51. They were adjacent to existing houses and were ipso facto obviously more valuable, than the land now acquired. It is evident that the purchase prices seem to have fallen steadily from 1919, when they were inordinately high. Taking them as they stand, it is difficult to arrive at any satisfactory average between the extreme limits of Rs. 5000 in 1919 and Rs. 2200, in 1922. The acquisition was in 1923,. when no doubt, prices had fallen still further.

5. We are clear that the valuation arrived at by the lower Court is too low. On the whole we think that Rs. 1,000 an acre is nearer the mark. S. No. 29, as already observed, is obviously less valuable than S. Nos. 26, 49, 50 and 51, the southern part of it particularly so. Prices in 1923, were probably still lower than in 1922. Apart from that, the rates paid for plots of 4 and 6 cents are no criterion in valuing a block of over seven acres for the whole of which there is no immediate demand and much of which will have to be devoted to roads and lanes. In the result, we raise the valuation to Rs. 1,000 an acre and the usual 15%. There will be no order as to costs, as the claim was not entirely unreasonable based as it was on the documents produced by the claimants. Interest at 6 per cent from date of taking possession. In other respects, the lower Court's order is confirmed.

6. [And the case having been posted to be spoken to this day the Court made the following]

ORDER

7. The order is clear that interest is to be paid from the date of taking possession. So the decree has been correctly drafted providing interest on the excess now awarded over the Collector's figure.