(2025) 11 MAD CK 1944

In the Madras High Court

Case No : Appeal Suit No. 740 Of 2018, Civil Miscellaneous Petition No. 20489 Of 2018

Special Tahsildar (L.A.No.5) APPELLANT

Vs

Thiru Rayar RESPONDENT

Date of Decision : 14-11-2025

Acts Referred:
Land Acquisition Act, 1894 — Section 4(1), 19(1), 23(2), 54

Citation : (2025) 11 MAD CK 1944

Hon'ble Judges : Dr. A.D.Maria Clete, J

Bench : Single Bench

Advocate : G.Nanmaran, V.Venkataseshaiya, P.Thirumalai Vasan, M.Selvam

Final Decision : Dismissed

Judgement

Dr. A.D.Maria Clete, J

1. Heard.

2.This Appeal Suit is filed by the Special Tahsildar, challenging the judgment and decree dated 18.09.2017 passed in L.A.O.P. No. 68 of 2015 by the learned Special Subordinate Judge for L.A.O.P. Cases, Cuddalore. By the said judgment, the Reference Court enhanced the market value of the acquired lands from Rs. 35,354/- per acre as fixed by the Land Acquisition Officer to Rs. 2,00,000/- per acre, together with statutory solatium and interest.

3.The brief background is that in G.O.Ms.No.179, Industries (MIF-1), dated 30.06.1997, the Government of Tamil Nadu has accorded administrative sanction for acquiring lands to the extent of 178.01.0 hectares from Kayalpattu Village, Cuddalore Taluk, Cuddalore District for establishing industrial complex by the SIPCOT (TACID Division). Based on the G.O., notification dated 18.02.1999 under Section 4(1) of the Land Acquisition Act, 1894 (Act 1894 hereafter) for acquiring 12.92.0 hectares of land situated in Survey Nos.182,183 and 184 was issued. The claimants lands in R.S.No. 183/1 measuring 0.44.5 hectares in

Andarmullipallam Village, Cuddalore Taluk, were acquired under Award No. 3 of 1999 dated 30.11.1999. The Award Officer, after examining 49 data-sale transactions, determined the market value at Rs. 35,354/- per acre, treating the land as dry land, and awarded a total compensation of Rs. 54,969/- including solatium and additional amounts. Dissatisfied with the said valuation, the claimant sought reference under Section 19(1) of the Act for enhancement.

4.Before the Reference Court, the claimant deposed that his land is of good potential value, abutting the Cuddalore–Chidambaram Road and surrounded by developing industrial areas. He stated that cashew, coconut and palm trees were standing on the property, yielding regular income, and that comparable lands in neighbouring Kayalpattu Village were sold at Rs. 1 lakh per acre as on 15.06.1998. According to him, the true market value at the time of acquisition could not have been less than Rs. 2 lakhs per acre. The Referring Officer contended, on the other hand, that the Award had been passed after scientific evaluation of location, soil condition, and irrigation potential, and that the enhancement sought was excessive and unsupported by evidence.

5.The Reference Court examined the claimant as P.W. 1 and one Mr. Jayakumar, P.A. to Sub Collector, Cuddalore, as R.W. 1. While no documentary evidence was produced by the claimant, the Referring Officer marked the true copy of the Award no 1/2000 dated 28.04.2000 as Ex. R-1. Upon consideration of the pleadings and evidence, the learned Judge held that, although the claimant had not produced sale deeds, the admission elicited in cross-examination from the Referring Officer was significant—namely, that for similarly acquired dry lands, SIPCOT (TACID) was prepared to pay Rs. 2,75,000/- per acre for lands without trees and Rs. 3,00,000/- per acre for lands with trees. Relying upon this admission and noting the uniformity of potential across the acquired block, the Court concluded that the market value could safely be fixed at Rs. 2,00,000/- per acre.

6.Accordingly, the Reference Court enhanced the compensation to Rs. 2,00,000/- per acre with 30 per cent solatium under Section 23(2) of the Act, 9 % interest for the first year from the date of possession, and 12 % interest thereafter till payment or deposit. Interest on solatium at 6 % per annum was also awarded, following Gurpreet Singh v. Union of India (2007 (3) CTC 170). The value of trees was confirmed at Rs. 712/- each as per the horticulture departments's report.

7.Assailing the award, the appellant has raised several grounds. It is contended that the lower Court enhanced the compensation without any documentary proof, that the increase from Rs. 35,354/- to Rs. 2 lakhs per acre is arbitrary, that mandatory deductions towards development were not made, and that the Court ignored the distinction between interior and roadside plots. The appellant urges that the judgment and decree are contrary to law, weight of evidence, and probabilities of the case.

8.The question that arises for consideration is whether the enhancement of compensation to Rs. 2,00,000/- per acre by the Reference Court is sustainable in law and based on acceptable material.

9.It is now settled through a appeal arising from the very same acquisition scheme that this court has taken a view in favour of the landowners. By the judgment dated 12.09.2023 in A.S. No. 702 of 2018 , this court upheld the enhancement and confirmed the rate of Rs. 2,00,000/- per acre, observing that such fixation was fair since the Referring Officer had himself admitted willingness to pay between Rs. 2.75 lakhs and Rs. 3 lakhs per acre for similar lands, and held as follows:

“24. Admittedly, even though no documentary evidence was produce on the side of the claimant to prove their case of enhancement, the respondent has reported before the Special Court that they have amicably settled with some of the land owners whose lands also subjected to Award No.4 of 2000, dated 10.08.2000 by paying Rs.3,00,000/- per acre to the lands which are having trees such as, cashew trees. After submitting their willingness to pay the compensation for a sum of Rs.3,00,000/- to the claimant's land by way of cross examination before the Court, now the respondent is not entitled to turn back and say that the amount of compensation fixed by the Special Court is not valid .

25.Yet another admitted fact that in connected L.A.O.P.No.522 of 2013 and L.A.O.P.No.523 of 2013, the Special Court has fixed the compensation for the lands which was situated in the very same Village as Rs.5,00,000/- per acre. The Special Court has not fully accepted the value fixed in adjudicating process in other L.A.O.P.Nos.522 of 2013 and 523 of 2013, i.e., Rs.5,00,000/- per acre or value fixed amicably between the either parties in mediation process i.e., Rs.3,00,000/-per acre. The Special Court has taken the view that, since the claimant has claimed in oral evidence and based on record, claimed only Rs.2,00,000/- per acre, same has to be awarded. Similarly, the value of tree also considered and compensation is fixed. Since no exemplars in the from of sale was made available before the Special Court, reliance made by the Court based on the above admitted evidence is justified. The Court has also restricted the fixation of land value based on the claim made by the claimant and there is no appeal filed by the claimant shows that he has satisfied with the award hence, this Court finds no reasons to modify the award.”

10.In view of this determination arising from the same acquisition and involving the same acquiring body, there is no scope for a different view in this appeal. To perpetuate a lower rate here would run counter to the principle of equality and uniformity in compensation. The contentions advanced on behalf of the appellant with regard to comparability, valuation, or deduction are no longer open for reconsideration in the face of the later judgment.

11.On the question of development deduction, it is seen that the judgment A.S. No. 702 of 2018 itself answered as follows :

“27.The deduction of development charges would be applicable, if the Court adopts the comparable sales method of valuation of the land for fixing the market value of the agricultural land. In this case, the Tribunal has not adopted the comparable sales method of valuation of land. The Special Court has proceeded on the basis that there was a settlement between neighbouring land owners with the Land Acquiring Officer and the Land Acquisition Officer is willing to pay Rs.3,00,000/- per acre which is having trees. Further, those lands are agricultural lands similar to the lands in this case. Similarly, the comparable sales lands are not developed land deducting the development charges is not applicable to the present case. Hence, the contention of the appellant is hereby rejected”.

12.Here, the admission by the acquisition authority itself constitutes substantive evidence of prevailing rates, and even though the claimant adduced only oral testimony, the Court may rely upon such admission. The Reference Court’s reliance on that statement cannot be faulted. The enhancement accords with the principle that when the acquiring body acknowledges higher compensation for adjacent tracts, uniformity must be maintained for similarly situated owners.

13.The Court further notes that the claimant has not preferred any appeal seeking further enhancement, signifying acceptance of the award. The amount fixed by the Reference Court represents a balanced and equitable determination, taking into account both the Referring Officer’s own admission and judicial precedent. There is no perversity, illegality, or misapplication of legal principles warranting interference under Section 54 of the Act.

14.In view of the foregoing analysis and following the judgment this Court holds that the judgment and decree dated 18.09.2017 in L.A.O.P. No. 68 of 2015 are sound in law and evidence. The compensation at Rs. 2,00,000/-per acre with all statutory benefits is affirmed. The appeal lacks merit and deserves dismissal.

15.Accordingly, the Appeal Suit No. 740 of 2018 stands dismissed. The award of the Special Subordinate Judge, Cuddalore, in L.A.O.P. No. 68 of 2015 is confirmed. There shall be no order as to costs. Connected Civil Miscellaneous Petition, if any, shall stand closed. The Land Acquisition Officer is directed to ensure compliance with payment of the enhanced compensation, solatium, and interest within three months from the date of receipt of a copy of this judgment.