
(2026) 01 MAD CK 1821

In the Madras High Court

Case No : A.S.No.676 Of 2020, Civil Miscellaneous Petition No. 8438 Of 2020

Special Tahsildar (LAO)

APPELLANT

Vs

Rabbath Begum And Others

RESPONDENT

Date of Decision : 23-01-2026

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1), 18

Citation : (2026) 01 MAD CK 1821

Hon'ble Judges : C.V. Karthikeyan, J;K.Kumaresh Babu, J

Bench : Division Bench

Advocate : G.Nanmaran, R.Prabakar, M.Ragumankhan

Final Decision : Dismissed

Judgement

K.Kumaresh Babu, J

1. This appeal has been filed against the award dated 22.02.2005 passed in L.A.O.P. No.1 of 2004 by the Sub Court, Tirupattur, whereby the compensation awarded by the Land Acquisition Officer was enhanced.

2) The facts leading to the filing of the present appeal are that one Mr. K.A. Kalil Ahamed was the owner of wet land measuring 0.74.05 hectares in Survey No.640/1, Thiruthimedu Village, Tirupattur Taluk. An extent of 0.70.0 hectare (equivalent to 1.73 acres), along with other lands, was acquired for the purpose of providing house sites to houseless poor Adi Dravidars under the provisions of the Adi Dravidars Welfare Land Acquisition Act.

3) Pursuant to the requisition received from the beneficiaries, the Land Acquisition Officer initiated acquisition proceedings, and the notifications were approved in G.O.Ms. No.1920, Adi Dravida Welfare Department, dated 30.09.1989, and published on 26.10.1989. The Land Acquisition Officer passed the award on 23.10.1992 in Award No.11/92- 93, fixing the market value of the land at Rs.30,000/- per acre, based on sale statistics of lands sold within three years prior to the Section 4(1) notification.

4) Aggrieved by the said valuation, the landowner received the compensation amount under protest and sought reference under Section 18 of the Land Acquisition Act. Accordingly, the matter was referred to the Sub Court, Tirupattur. The Sub Court framed the following issues, 1) whether the compensation awarded by the Acquisition Officer for the acquired land is valued lesser?, 2) If yes, what is the justifiable compensation to be awarded to claimant? Upon consideration of the evidence, the Sub Court enhanced the compensation awarded by the Land Acquisition Officer. Challenging the said enhancement, the present appeal has been filed. During the pendency of the appeal, the sole respondent died, and his legal representatives were brought on record as respondents 2 to 7.

5) Heard Mr. G. Nanmaran, learned Special Government Pleader appearing for the appellant, and Mr. R. Prabakar, learned counsel appearing for Mr.M.Ragumankhan, learned counsel appearing for the respondents 2 to 7.

6) The learned Special Government Pleader for the appellant submitted that the trial court erred in enhancing the market value of the acquired land exorbitantly from Rs.30,000/- per acre to Rs.40/- per square foot, which, according to him, is contrary to the procedure prescribed under the Land Acquisition Act. He further submitted that the trial court relied upon Exs.A1 and A2 sale deeds, the genuineness of which had not been established.

7) It was further contended that the trial court committed an error in deducting only 20% towards developmental charges, whereas the settled principle requires deduction of 53% or more. The learned counsel also submitted that the trial court failed to appreciate the valuation fixed by the Land Acquisition Officer based on Exs.R1 to R3 and erroneously enhanced the market value without proper basis.

8) The learned Special Government Pleader further contended that the acquired land fell within a Panchayat limit and was not a developed land at the time of acquisition, and therefore, valuation on a square foot basis was wholly unjustified. He also contended that the precedents relied upon by the trial court were factually distinguishable and that the purpose of acquisition, namely, welfare housing, which required substantial government expenditure for development, was not properly appreciated. On these grounds, he prayed for setting aside the enhancement granted by the trial court.

9) Per contra, Mr. R. Prabakar, learned counsel appearing for the respondents 2 to 7, submitted that the original landowner had raised objections before the Land Acquisition Officer seeking fixation of market value at Rs.100/- per square foot, which was not considered. He further submitted that the trial court rightly appreciated the oral and documentary evidence and enhanced the compensation based on the sale price of comparable lands.

10) The learned counsel further contended that the Land Acquisition Officer erroneously treated the acquired land as purely agricultural land, ignoring its

developmental potential. According to him, the trial court correctly assessed the developing nature of the land, its proximity to essential amenities, and fixed the market value accordingly. Hence, he prayed for dismissal of the appeal.

11) This Court has carefully considered the submissions made by the learned counsels on either side and perused the materials available on record.

12) On perusal of the facts and circumstances of the case, this court frames an issue to decide the dispute,

Whether the estimation of the trial court for the acquired land is just and reasonable?

13) It is evident from the records that the land belonging to the original respondent was acquired by the Government and that the Land Acquisition Officer fixed the market value based on comparable agricultural lands. Being dissatisfied with the same, the landowner sought reference, which culminated in enhancement of compensation by the trial court, leading to the present appeal.

14) The trial court enhanced the market value primarily on three grounds. Firstly, with regard to the location of the acquired land, it was found that the land was surrounded by several amenities and was situated within the limits of Tirupattur Municipality. The acquired land was located near the Tirupattur–Tiruvannamalai Highway and was situated in a predominantly residential area. Further, schools, hospitals, and colleges were located within a distance of 100 meters from the acquired land. These aspects were substantiated through the deposition of PW1.

15) The trial court rightly relied upon the judgment of the Hon'ble Supreme Court in *Special Tahsildar, Bagalkot v. V. Mohammed Hanif Sahib Bawa Sahib*, reported in AIR 2002 SC 1558, wherein it was held that market value can be determined taking into account the developmental activities and potential of the land.

16) Secondly, the trial court relied upon Exs.A1 and A2, which are sale deeds relating to similar lands in the same locality, executed prior to the acquisition. The trial court rightly rejected the reliance placed by the Land Acquisition Officer on Ex.R1, on the ground that the land covered under Ex.R1 was situated far away from the acquired land and lacked road access and other amenities.

17) Thirdly, the trial court rightly held that while fixing the market value of acquired land, the approach should be beneficial to the landowner, relying upon the judgment reported in 2003 (1) MLJ 781. The trial court properly appreciated the precedents, oral evidence, and documentary materials before enhancing the compensation.

18) This Court finds no infirmity or perversity in the reasoning adopted by the trial court. The enhancement of compensation is based on cogent evidence and settled principles of law, and no interference is warranted.

In fine, the appeal is dismissed, and the award passed by the Sub Court,

Tirupattur, is hereby confirmed. The appellant is directed to deposit the compensation amount as awarded by the trial court within a period of six weeks from the date of receipt of a copy of this judgment. The respondents 2 to 7 are entitled to withdraw the same in accordance with law. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.