(2025) 11 MAD CK 1948

In the Madras High Court

Case No : Appeal Suit No. 253, 254, 257, 258, 259, 261 Of 2020, Civil Miscellaneous Petition No. 3139, 3184, 3191, 3198, 3200, 3203 Of 2020

Special Tahsildar APPELLANT

Vs

G. Banu And Others RESPONDENT

Date of Decision : 14-11-2025

Acts Referred:
Land Acquisition Act, 1894 — Section 4(1), 18, 23(1A), 23(2), 28

Citation : (2025) 11 MAD CK 1948

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

Bench : Single Bench

Advocate : G.Nanmaran, M. Murali, V.M.Venkataramana

Final Decision : Dismissed

Judgement

Dr.A.D.Maria Clete, J

1. Heard.

2. These Appeal Suits are filed by the Special Tahsildar (LandAcquisition), challenging the judgment and decree dated 12.11.2013 passed in L.A.O.P. Nos. 353, 319, 337, 354, 355 and 332 of 2008 by the learned Additional District Judge, Poonamallee. By the said judgment, the Reference Court enhanced the market value of the acquired lands from Rs.600 per cent in respect of AS 253/2020 and Rs.550/- in AS Nos. 254, 257, 258, 259 and 261 of 2020, as fixed by the Land Acquisition Officer, to Rs.15,696 and Rs.15,304/- per cent, together with statutory benefits and interest.

3. The brief background is that the acquisition pertains to lands situated in Pammadukulam and Ambattur Taluk, Tiruvallur District, required for the Outer Ring Road Project (Phase-II) undertaken by the Chennai Metropolitan Development Authority (CMDA). The proposal was approved in G.O.Ms.No. 385, Housing and Urban Development Department, dated 16.10.1998. Pursuant

thereto, notification under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter “the Act”) was issued on 03.06.2005 in AS 253/2020 and 04.11.2004 in AS Nos. 254, 257, 258,259 and 261 of 2020.

4. The Land Acquisition Officer, under Award No. 1 of 2008 dated 14.03.2008 out of 477 sale transaction adopted one exemplar in S.NO.500/8A and fixed the market value at Rs.600 in AS No. 253 of 2020 and under Award No. 3 of 2007 dated 30.10.2007 out of 407 sale transactions, adopted one exemplarin 565/19A & 19 Band fixed the market value at Rs.550/- per cent in AS Nos. 254, 257, 258, 259 and 261 of 2020. On reference under Section 18 of the Act, the claimants produced sale deeds (Exs. C3 and C4) pertaining to adjacent lands sold in 2008, disclosing rates above Rs.15,000/- per cent. The Reference Court, relying on those transactions, enhanced the market value to Rs.15,696 per cent in AS No. 253 of 2020 and Rs.15,304/- per cent in AS Nos. 254, 257, 258, 259 and 261 of 2020 and granted statutory benefits under Sections 23(1A), 23(2) and 28 of the Act.

5. Assailing the enhancement, the appellant in all the appeals contends that the Reference Court erred in adopting small-extent plot sales without applying deduction for development and without considering that the lands were undeveloped agricultural tracts.

6. It is now settled through an appeal arising from the very same acquisition scheme that this court has taken a view in favour of the landowners. By the judgment dated 13.10.2015 in A.S.Nos.472 to 480 of 2012, this court had upheld the Reference Court’s fixation of Rs.18,000/- per cent, observing that the locality had already attained semi-urban character within the Chennai urban agglomeration and that about 50% of transactions were house-site sales. Subsequently, the Division Bench in A.S. Nos. 1 and 2 of 2014 dated on 19.03.2018 applied a 50% deduction for development and fixed the rate at Rs.9,000/- per cent. However the Hon’ble Supreme Court, in Civil Appeals Nos. 269 to 271 of 2023 (arising out of SLP (C) Nos. 958–959 of 2023 and 2855 of 2020, decided on 10.01.2023), has finally determined the market value for lands under the same notification and project at Rs.18,000/- per cent, thereby overruling the reduction made by this Court to Rs.9,000/- per cent.

7. The Apex Court categorically held that for the same notification and the same project, there cannot be differential valuation and that the earlier judgments in A.S. Nos. 472 to 480 of 2012 had attained finality, warranting uniformity in compensation, which reads as follows:

“5.we note that in respect of the very same acquisition under the sale notification for the same purpose,the matter had been considered by the High Court of Judicature at Madras through the judgment dated 06.08. 2015 in A.S.No. 524 to 535 of 2011 and also through the judgment dated 13.10.2015 in A.S.No.472 to 480 of 2012 and other connected appeals.The High court, having considered all aspects of the matter in the said judgments, had approved the marked value at

Rs,18, 000/- per cent which has been same vicinity, we see no reason to discard the conclusion which had been reached by the Division Bench of that court in similar case which has attained finality. Similarly situated lands cannot be treated differently.

6. In that view, the judgment dated 19.03.2018 passed by the High court of Judicature at Madras, which is impugned herein, whereby the market value was fixed at Rs.9,000/- per cent is not justified.Hence, the appropriate course is to set aside the said Judgment and restore the judgment dated 30.07.2011 passed by the reference court fixing the market value at Rs.18, 000/- per cent."

8. In view of the authoritative pronouncement of the Hon'ble Supreme Court of India, it is now conclusively settled that for lands acquired under the very same project—viz., the Outer Ring Road Project, Phase II, lands acquired form very same village cluster and locality, the market value stands judicially determined at Rs.18,000/- (Rupees Eighteen Thousand only) per cent.

9. Accordingly, the market value of the acquired lands is modified and fixed at Rs.18,000/- (Rupees Eighteen Thousand only) per cent, in consonance with the ruling of the Hon'ble Supreme Court. The claimants shall also be entitled to all statutory benefits, namely:

· 30% solatium under Section 23(2) of the Land Acquisition Act, 1894;

· 12% additional market value per annum from the date of Section 4(1) notification till the date of award or possession, whichever is earlier, under Section 23(1A); and

· Interest as provided under Section 28 of the Act.

10. The appellant, in all the Appeals, is directed to deposit the differential amount, if any, arising from this modification, within twelve (12) weeks from the date of receipt of a copy of this judgment. In default, the differential amount shall carry interest at 9% per annum from the date of default until realization.

11. In the result, A.S. Nos. 253, 254, 257, 258, 259, and 261 of 2020 are dismissed, and the compensation fixed by the Reference Court is modified and enhanced at Rs.18,000/- per cent with all statutory additions and interest as indicated above. There shall be no order as to costs. Connected miscellaneous petitions, if any, shall stand closed. It is made clear that though a Common Judgment is rendered in respect of these appeals, the learned counsel for the parties are entitled to get separate fees in respect of each appeal.