
(2008) 07 MAD CK 0118

In the Madras High Court

Case No : A.S. No. 1091 of 2001 and C.M.P. No. 19865 of 2001

The Special Tahsildar (Adi Dravidar Welfare), Vellore

APPELLANT

Vs

Munusamy Mandhiri

RESPONDENT

Date of Decision : 16-07-2008

Acts Referred:

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

Citation : (2008) 07 MAD CK 0118

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : V. Ravi, Special Government Pleader AS, for the Appellant; R. Margabandhu, for the Respondent

Final Decision : Dismissed

Judgement

G. Rajasuria, J.—This appeal is focussed as against the judgment and decree dated 27.04.2001 passed by the learned Subordinate Judge of Vellore in L.A.O.P. No.59 of 1997. For convenience sake, the parties are referred to here under according to their litigative status before the Trial Court. Heard both sides.

2. The nutshell of facts which are absolutely necessary and germane for the disposal of this appeal would run thus:

The Government published Section 4(1) Notification under the Land Acquisition Act for acquiring the land measuring an extent of 3.05 acres in S.Nos.328/1, 333/2B and 333/3 in Anpoondi village, Vellore Taluk, for the purpose of providing housing sites to Adi Dravidar community people. After complying with the procedures, the Land Acquisition Officer acquired the land and assessed the compensation in a sum of Rs. 130.23 per cent. Being aggrieved by such awarding of the compensation, the land owner got the matter referred to the Sub Court u/s 18 of the Land Acquisition Act.

3. During enquiry before the Sub Court, on the side of the claimant, C.W. 1 and C.W.2 were examined and Exs.A1 to A3 were marked. On the side of the

respondent, R.W.1 was examined and Exs.B1 and B2 were marked.

4. The Sub Court, ultimately placing reliance on Ex.A.3, the sale deed enhanced the compensation from Rs. 130.23 to Rs. 500/- per cent.

5. Being dissatisfied with the judgment and decree of the Sub Court, the Land Acquisition Officer preferred this appeal on various grounds, the pith and marrow of them would run thus:

The Reference Court arbitrarily placed reliance on Ex.A.3 which emerged only two months and odd anterior to Section 4(1) notification and enhanced the compensation, which deserves interference by this Court. Accordingly, the learned Additional Government Pleader would pray for setting aside the judgment and decree of the Reference Court.

6. The point for consideration is as to whether the Reference Court was justified in enhancing the compensation from Rs. 130.23 to Rs. 500/- per cent based on Ex.A.3.

POINT:

7. Learned Additional Government Pleader (AS) reiterating the grounds of appeal would contend that Ex.A3 refers to a land which was sold shortly before such publication of Section 4(1) notification and that it should not be taken as a sample sale deed for assessing the compensation, whereas the learned counsel for the land owner would place reliance on Ex.A. 1, the certified copy of the judgment passed by the Sub Court, Vellore on 16.04.1997 in awarding compensation relating to a piece of land which was acquired by the Government for the same purpose in Abdullapuram and advance his argument that a sum of Rs. 1,000/- might be awarded as compensation. He would also contend that the land acquired in Anpoondi village is very near to the land acquired in Abdullapuram and in such a case, there need not be any discrimination between the land owners of those two villages.

8. A perusal of the judgment of the Reference Court would highlight the fact that the land acquired in Abdullapuram was about two furlongs from the land acquired in Anpoondi village. In fact, I compared the sketch relating to the lands acquired in Anpoondi village with that of the sketch relating to Abdullapuram and from that it is clear that the land acquired in Abdullapuram is situated in S.No.19 and the land acquired in Anpoondi is bordering Abdullapuram. However, there are as many as more than 20 survey numbers in between the two areas. Hence in such a case, I am of the considered opinion that it cannot be taken that the Government acquired one stretch of land for the purpose of allotting house sites to the landless poor people. Since those lands acquired are in two different villages and there is a gap of two furlongs in between the two, the ratio applied in assessing the compensation in respect of Abdullapuram land cannot be ushered in for assessing the land acquired in Anpoondi Village.

9. Independently if viewed, the Sub Court was right in placing reliance on Ex.A.3,

the sale deed which emerged in respect of a land bearing S.No.334/2B measuring an extent of 76 cents for the value of Rs. 45,600/-. Accordingly if worked out, it transpires that per cent of land was sold in a sum of Rs. 600/-. Presumably, the Reference Court taking into account the development charges, deducted a sum of Rs. 100/- and fixed the compensation in a sum of Rs. 500/- which warrants no interference. There is no excess deduction or excess enhancement also. A question might arise as to how far the Reference Court was justified in placing reliance on the sale deed which emerged only two months and odd anterior to Section 4(1) notification. It is clear from the facts and figures placed before the lower Court that in that area the land value is shooting up and in such a case, it is no wonder that per cent of land was sold for a sum of Rs. 600/- There is nothing to show that Ex.A.3 is a cooked up document purely for the purpose of boosting up the value of the land. Hence, taking into consideration all these facts, I am of the considered opinion that the Sub Court was right in fixing the net value in a sum of Rs. 500/-. Accordingly, no interference with the Reference Court's judgment and decree is required. Ultimately the appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.