(2014) 07 MAD CK 0252

In the Madras High Court

Case No : A.S. No. 349 of 2014 and M.P. No. 1 of 2014

The Special Tahsildar APPELLANT

Vs

Parvathi Ammal RESPONDENT

Date of Decision : 07-07-2014

Acts Referred:

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

Citation : (2014) 07 MAD CK 0252

Hon'ble Judges : V. Ramasubramanian, J

Bench : Single Bench

Judgement

V. Ramasubramanian, J.—This appeal is filed by the Special Tahsildar (Land Acquisition), Adi Dravida Welfare challenging the enhancement of compensation awarded by the Land Acquisition Tribunal.

2. Heard Mr.S.Pasupatheeswaran, learned Special Government Pleader (AS) for the appellant and Mrs.V.Ambika, learned counsel for the respondents/claimants.

3. The land of an extent of about one acre, located in S.F.No. 10 in Thazhanur Village in Arcot Taluk, belonging to the respondents herein, was acquired in pursuance of a Notification issued under Section 4(1) of the Land Acquisition Act, 1894 dated 30.1.1983. The appellant passed an award fixing the compensation at Rs. 35/- per cent. The award was passed on 29.3.1984 in Award No. 1 of 1983-84.

4. On a reference made under Section 18 of the Act, the Additional District and Sessions Court (Fast Track Court-II), Ranipet enhanced the compensation to Rs. 400/- per cent. Aggrieved by such enhancement, the Special Tahsildar is on appeal.

5. As against an award passed in L.A.O.P.No. 5 of 2003 dated 27.2.2004 by the very same Tribunal, in respect of another property covered by the very same award, the appeal filed by the State in A.S.No. 561 of 2006 was dismissed by K.Chandru,J by a judgment dated 27.7.2010. Paragraphs 7 and 8 of the

judgment of the learned Judge read as follows :

The contention raised by the appellant was that the enhanced compensation ordered by the Reference Court was arbitrary and not based upon the guidelines prescribed under the Land Acquisition Act. In general, the following grounds were urged :

a) Reliance placed upon Exs.C.1 and C.2 was not proper and they do not belong to the same survey number.

b) No deduction towards development charges were provided.

c) The exemplars of sale of small plots cannot be taken into account.

8. The Reference Court on the basis of evidence found that the acquired land was situated in Thazhanur Village and as per Ex.C.1, lands were sold at Rs. 685/- per cent and reducing the development charge at the rate of 30%, it worked out to Rs. 400/- per cent. Reliance were placed upon the judgment of this Court in 1995 2 LW 561, wherein value of neighbouring land fetching higher price can be the basis for determining the compensation. The land in question is situated within the town limit of Arcot. Therefore, the Reference Court had correctly held that compensation should be awarded on the basis of Rs. 400/- per cent. There is no case made out to interfere with the well considered judgment passed by the Court below.

6. Since the property covered by the judgment in A.S.No. 561 of 2006 was also a part of the very same Notification and it was also a part of the identical award, the reasonings given by the learned Judge apply in all force to the case on hand.

7. Therefore, the above appeal is dismissed. No costs. Consequently, the above MP is also dismissed.

