
(2016) 12 MAD CK 0034

In the Madras High Court

Case No : Appeal Suit (MD) No. 100 of 2007 in L.A.O.P. No.125 of 1996

The Special Tahsildar (L.A)

APPELLANT

Vs

Thamas Udayar

RESPONDENT

Date of Decision : 22-12-2016

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2017) 2 MLJ 401

Hon'ble Judges : Mr. S.S. Sundar, J.

Bench : Single Bench

Advocate : Not ready, for the Respondent Nos. 2 & 4; Mr. S. Kumar Additional Government Pleader, for the Appellant; Mr. R. Mohamed Shajahan, Advocate, for the Respondent No. 5; Died, for the Respondent Nos. 1 & 3; Mr. Anand C. Rajesh, Advocate, for the Respondent No

Final Decision : Dismissed

Judgement

S.S. Sundar, J. - This appeal has been filed by the Referring Officer / Land Acquisition Officer who had been specially designated for the purpose of acquiring the land for Tamil University, Thanjavur. It is not in dispute that vast extent of lands were acquired in Nilagiri Therkkuthottam Village and Pillayaripatti Village in Thanjavur Taluk for establishing Tamil University at Thanjavur. The notification under Section 4(1) was issued on 27.01.1982. The land belonging to the respondents, measuring an extent of 4.55 acres in Survey No.201A-8 in Pillayaripatti Village was also acquired. Though the Special Land Acquisition Officer / appellant fixed market value at Rs.3,600/- per acre, the Tribunal, pursuant to reference under Section 18 of the Act enhanced the compensation from Rs.3,600/- per acre to Rs.25,000/- per acre. As against the award of the Tribunal by fixing the market value at Rs. 25,000/- per acre, the present appeal has been filed by the Land Acquisition Special Tahsildar, the Referring Officer.

2. The dates are not in dispute. The Tribunal has relied upon the document Ex. C3 dated 14.12.1981 wherein the extent of 2 acres and add was sold for a sum

of Rs.37,500/-. Though this document was in respect of similar land which is abutting the road, the Tribunal has awarded a sum of Rs.25,000/- per acre by stating that the land acquired from the respondents is a well developed land and that a marginal increase from the value found in Ex.C3 should be given.

3. Though the sale deed Ex.C3 relied upon by the Tribunal indicates the market value of the land at RS.15,000/- per acre, the Tribunal has fixed the compensation at Rs.25,000/- per acre. The reasoning of the Land Acquisition Tribunal for enhancing the market value as per the sale deed marked as Ex.C3, though cannot be accepted in normal circumstances, considering the fact that the acquisition in the present case is of the year 1982 and the respondents / land lords were awarded only a paltry sum of Rs.3,600/- per acre by the Land Acquisition Officer by the award, this Court find that it is not appropriate to interfere with the findings of the Tribunal to reduce the compensation. The acquisition is for the purpose of formation of Tamil University at Thanjavur. Though the value of the land in 1981-82 is very low, the fact that the compensation fixed for the land acquired in 1982 was not paid to the claimant till the appeal was filed in 2007 and that only 50% of the amount enhanced by the Tribunal was allowed to be withdrawn, this Court feel that no interference is warranted. It is also relevant to mention that the respondents / claimants have been deprived of their valuable land and they have been deprived of their livelihood as contended by the claimants. From the evidence available, this Court find that the lands are agricultural lands capable of yielding substantial income. The delay in these proceedings have caused immense hardship to the claimants. It is also brought to the notice of this Court that the reference was under Section 18 as well as under Section 30 of the Land Acquisition Act. Hence, the compensation even as determined by the Land Acquisition Officer was not paid to the land owners. Though the matter was referred to under Section 30 of the Act for deciding the title, there is no rival claim by any one disputing the right of the respondents to get the compensation for the lands acquired. In such circumstances, the pendency of these proceedings before this Court for more than ten years and the fact that the respondents were deprived of the income for a long time indicates that the enhancement of compensation from Rs.3,600/- to Rs.25,000/- per acre will be equitable and appropriate and this Court find no reason to interfere with the award of the Land Acquisition Tribunal. Hence, this Appeal is dismissed and the award of the Land Acquisition Tribunal in L.A.O.P. No. 125 of 1996 is confirmed. There is no order as to costs.