
(2008) 06 MAD CK 0101
In the Madras High Court
Case No : A.S. No. 448 of 1997

The Special Tahsildar (Land Acquisition)	APPELLANT
Vs	
K. Selvaraj	RESPONDENT

Date of Decision : 17-06-2008

Acts Referred:

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

Citation : (2008) 06 MAD CK 0101

Hon'ble Judges : A.C. Arumugaperumal Adityan, J

Bench : Single Bench

Advocate : V. Ravi, Spl. Govt. Pleader, V.G. Suresh Kumar, for Railways, for the Appellant; R. Poornima, for the Respondent

Final Decision : Dismissed

Judgement

A.C. Arumugaperumal Adityan, J.—For the purpose of expansion of Humpyard in Jolarpet Railway Station, 3/5th share in 0.06cents in S.

No. 123/1A,3/5th share ie., 0.07 cents in S. No. 123/2 along with Well and pumpset,0.40 cents in S. No. 123/3 were acquired after the issuance of Notification u/s 4(1) of the Land Acquisition Act dated 22.6.1983.

2. The Learned Land Acquisition Officer has fixed the compensation for the above lands at the rate of Rs. 7,000/- per acre (Rs. 70 per cent). Not

satisfied with the Compensation fixed by the Land Acquisition Officer, claimants filed their written objections which were referred u/s 18 of the

Land Acquisition Act by the Land Acquisition Officer to the Land Acquisition Tribunal. The above said references were heard in common by the

Land Acquisition Tribunal and before the Tribunal on the side of the claimants 12 witnesses were examined (Claimant's Witness No. 1 to

Claimant's witness No. 12) on behalf of the claimants Ex C1 was marked. On the

side of the Land Acquisition Officer, R.W.1 was examined and

Exs R1 to R4 were marked. A Commissioner was appointed to assess the value for the well and trees and the learned Commissioner has filed Exs

C1 to C4 reports and plans. After going through the evidence both oral and documentary, the learned Tribunal has enhanced and fixed the

compensation for the lands acquired at Rs. 1218/- per cent besides fixing the compensation for the well as Rs. 1,71,585/- on the basis of the

Commissioner's reports and plans with solatium and interest. Aggrieved by the findings of the learned Tribunal, the present appeal has been

preferred by the claimant claiming more compensation.

3. Now the point for determination in this appeal is whether the award passed by the land Acquisition Tribunal in L.A.O.P. No. 36 of 1991 is

liable to be set aside for the reasons stated in the memorandum of appeal?

4. Heard the learned Special Government Pleader(AS), learned Counsel appearing for Railways and also the learned Counsel appearing for the

claimant and considered their respective submission.

5. The learned Counsel appearing for the claimant would contend that Notification u/s 4(1) of the Land Acquisition Act was issued on 22.6.1983

and to show the value of the land, the claimant has produced claimant's document No. 1 dated 31.1.1981 in respect of S. No. 162/17 measuring

120 sq.ft which was sold for Rs. 7000/- ie at the rate of Rs. 2436/- per cent. The learned Counsel for the claimant would submit that the said

lands in S. No. 162/17 is having similar characteristics to that of the land acquired by the Government which is situated adjoining to Jolarpet

Railway Station on the east and all the acquired lands are situate on the west of Jolarpet Railway Station and that they are all punja lands fit for

constructing buildings. The learned Counsel would further contend that on the basis of the claimant's document No. 1 dated 31.1.1981, the

compensation for the land acquired should be fixed at Rs. 2000/- per cent. The learned Tribunal has practically accepted the contention of the

learned Counsel for the claimants as to the fact that the lands acquired by the Government and the lands sold under the Claimant's document No.

1 dated 31.1.1981 are similar in all aspects. But the lands sold under Claimant's document No. 1 dated 31.1.1981 is situated near the National

Highways and not in the midst of the Jolarpet Village. But the lands acquired

were situated near the Jolarpet Village and near the Jolarpet Railway Station and hence has come to a conclusion that since the lands sold under Claimant's document No. 1 is situate near the National Highways, the compensation for the lands acquired cannot be fixed on the basis of Claimant's document No. 1. On that ground, the learned Tribunal has reduced the value to one half from the value for the land sold under Claimant's document No. 1 dated 31.1.1981 and fixed the compensation for the lands acquired as Rs. 1,218/- per cent. In the absence of any other documents produced on the side of the Government, to substantiate that the value fixed for the land acquired by the Land Acquisition Officer is reasonable, I am of the view that the compensation fixed by the learned Tribunal taking into consideration all the other circumstances, is reasonable and to be accepted.

6. With regard to the fixing of compensation by the learned Tribunal for the well in the lands acquired, there is no serious objection raised by the Government. The learned Tribunal has fixed the value for the well only on the basis of Exs C1 to C4, Commissioner's reports and plans. In the absence of any contra evidence to show that the well in Survey No. 123/2 will fetch more value than the value fixed by the Commissioner, I am of the view that in respect of the enhancement of compensation for the well cannot be entertained.

7. In fine, the appeal is dismissed confirming the award passed by the learned Tribunal in L.A.O.P. No. 36 of 1991 on the file of learned Subordinate Judge, Thirupathur, North Arcot District. The learned Special Government Pleader(AS) would represent that the award amount has already been deposited before the Tribunal/Subordinate Judge, Thirupathur, North Arcot District. If the claimant has not withdrawn the said award amount earlier, he is hereby authorised to withdraw the same without furnishing any security. No costs.