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**(2010) 06 MAD CK 0230**

**In the Madras High Court**

**Case No :** A.S. No. 632 of 2007 and M.P. No. 1 of 2007 and Cross Objection No. 36 of 2007

The Special Tahsildar, Land Acquisition, Naval Air Station Unit APPELLANT  
Vs

Kadhar Mohammed Ali and Others <BR>Kadhar Mohammed Ali and Others Vs Special Tahsildar, Land Acquisition, Naval Air Force and The Defence Estate Officer RESPONDENT

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**Date of Decision :** 18-06-2010

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18, 23

**Citation :** (2010) 06 MAD CK 0230

**Hon'ble Judges :** K. Chandru, J

**Bench :** Single Bench

**Advocate :** V. Ravi, Spl. G.P. AS in A.S. No. 632 of 2007 and G. Jermaiah, in Cross Objection No. 36 of 2007, for the Appellant; G. Jermaiah, for RR1 to 7 in A.S. No. 632 of 2007 and V. Ravi, Spl. G.P. (AS) for R1 in Cross Objection No. 36 of 2007, for the Respondent

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**Judgement**

K. Chandru, J.—Heard Mr. V. Ravi, learned Special Government Pleader (AS) for appellants and Mr. G. Jermaiah, learned counsel appearing for cross objectors.

2. This Appeal suit is filed by the Special Tahsildar, Land Acquisition Officer, Naval Air Station Unit, Arakkonam against the judgment and decree made in LAOP No. 282 of 2002 dated 24.03.2004 on the file of the learned Additional District and Sessions Judge, Fast Track Court-II, Ranipet.

3. The case of the appellant was that the lands to an extent of 0.71.5 hectares in S. No. 131/18 in Puliamangalam Village, Arakkonam Taluk was acquired for the purpose of setting up a Naval Air Station unit at Arakkonam. The Acquisition Officer had fixed the value of the land at Rs. 160/- per cent and passed an Award in Award No. 2/88, dated 11.4.1988. The respondent land owner not satisfied with the same, sought for reference u/s 18 of the Land Acquisition Act. The matter on being referred was taken as LAOP No. 282 of 2002. The Reference

Court fixed the market value at Rs. 450/- per cent. The Land Acquisition Officer aggrieved by the enhanced compensation, filed the present appeal.

4. When the appeal came up for admission, this Court by an order dated 7.8.2007 directed the petitioner to deposit entire award amount in LAOP, failing which the interim stay was directed to be vacated. It is not clear whether the appellant had deposited the said amount. However, the respondents claimants have filed a cross objection in Cross Objection No. 36 of 2007 seeking for further enhancement of compensation based upon the judgment of a division bench of this Court in A.S. No. 220 of 1999 in Narayanamoorthi v. The Special Tahsildar, dated 24.06.2004.

5. Both the appeal suit and cross objection were heard together and a common judgment is passed.

6. Though the trial court had fixed compensation at Rs. 450/- per cent with 30% solatium, but in similar circumstances, a division bench of this Court in Narayanamoorthi's case (cited supra) in paragraphs 6 and 7 held as follows:

6. However, it is brought to our notice that even the very same learned Judge has arrived at a conclusion that the acquired land lies nearer to Arakkonam Town, which is clear from his discussion vide para (7). We also perused sketch Ex.R-9. Considering the fact that the acquired land lies nearer to Arakkonam Town, we are of the view that the amount of Rs. 375/- per cent for dry lands and Rs. 510/- per cent for wet lands fixed by the Subordinate Judge is low and taking into all materials, we fix Rs. 750/- per cent for both dry and wet lands. It is also relevant to note that in respect of the land, which lies in Survey No. 153, 155 etc., this Court has already fixed Rs. 750/- per cent. Applying the same principle, we also enhance the compensation and fix the amount at the rate of Rs. 750/- per cent for both dry and wet lands. As said earlier, there is no dispute regarding the statutory amounts granted by the learned Judge.

7. In the light of what is stated above, we enhance the compensation from Rs. 375/- and Rs. 510/- per cent for dry and wet lands respectively to Rs. 750/- per cent for both dry and wet lands and in other respects, we confirm the award of the court below. Appeal is allowed in part to the extent mentioned above.

7. Subsequently, another learned Judge of this Court in A.S. No. 159 of 1997 in K.C. Ramaswamy Reddiar v. The Special Tahsildar (Land Acquisition), Naval Air Station Project Unit II, Arakkonam, in paragraph 8 held as follows:

8. From the arguments advanced by both the learned Counsel, it is clear that the land relating to the Land Acquisition Proceedings referred to, in this appeal is also acquired for the very same purpose of Naval Air Station Project, Arakkonam. It is not in dispute that the land acquired in this L.A.O.P. is a similarly placed land as that of the land referred in A.S. No. 142 of 1996 and therefore, this Court is of the view that the compensation for the acquired land shall be fixed on par with the compensation fixed by the Division Bench of this Court in a similar land

acquisition proceedings. Accordingly, based on the aforesaid Judgment, the market value of the land in this case is fixed at Rs. 750/- per cent and the respondent is directed to pay compensation for the acquired land of 114.86 cents at the rate of Rs. 750/- per cent and in other respects, this Court confirms the award of the court below, so as to provide additional amount of 12% with 30% solatium and subsequent interest, as per Section 23 of the Land Acquisition Act.

8. These orders have become final and binding on the State. The order passed by the Reference Court is on the lower side and it has to be modified. In the light of the above, the appeal filed by the Special Tahsildar, Land Acquisition will stand dismissed with costs. The Cross objection filed by the respondents/claimants in Cross Objection No. 36 of 2007 will stand allowed with costs. The compensation is fixed in terms of paragraph 8 of the judgment in A.S. No. 159 of 1997 as extracted above. Consequently, connected miscellaneous petition stands closed.