
(2009) 01 MAD CK 0318
In the Madras High Court
Case No : A.S. No. 1339 of 1995

The Special Tahsildar, [Land Acquisition], Tamil University	APPELLANT
Vs	
Rengayan	RESPONDENT

Date of Decision : 21-01-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2009) 01 MAD CK 0318

Hon'ble Judges : S. Tamilvanan, J

Bench : Single Bench

Advocate : Herold Sigh, Government Pleader [AS], for the Appellant; No appearance, for the Respondent

Final Decision : Dismissed

Judgement

S. Tamilvanan, J.—The appeal is preferred against the judgment and decree dated 27.07.1992 made in L.A.O.P. No. 140 of 1983 on the file of the Land Acquisition Tribunal/Sub- Court, Thanjavur.

2. As per the impugned judgment, it is seen that an extent of 2.78 acres of land in Survey No. 23/1 in Pillayarpatti village, Thanjavur District was acquired by the appellant for the purpose of setting up Tamil University, Thanjavur.

3. It is seen that the appellant/Land Acquisition Officer had fixed the market value of the acquired land at Rs. 25/- per Cent. On the representation made by the respondent/claimant, the same was referred u/s 18 of the Land Acquisition Act. Before the Land Acquisition Tribunal, C.W.1 was examined and the certified copy of the order dated 02.06.1983, passed by the Land Acquisition Officer, Thanjavur, in L.A.O.P. No. 146 of 1983, was marked as Ex.P1. On the side of the appellant/respondent, R.W.1 was examined and the copy of the joint sketch and a list of market value of the lands were marked as R1 and R2.

4. Considering the oral and documentary evidence and also the arguments advanced by both sides, the learned trial Court/Land Acquisition Tribunal,

Thanjavur, passed an order fixing the market value of the acquired land at Rs. 80/- per Cent and also awarded 30% solatium, 12% additional amount for one year from the date of award, 9% interest for one year and subsequent interest at 15% per annum. Aggrieved by which, this appeal has been preferred by the Referring Officer/The Special Tahsildar [Land Acquisition Officer].

5. Mr. Herold Singh, Government Advocate [AS], submitted that the Land Acquisition Tribunal, Thanjavur, has enhanced the compensation four times, thereby fixed the market value at Rs. 100 per Cent, though the land value was fixed at Rs. 25/- per Cent by the Land Acquisition Officer.

6. As per the evidence of P.W.1, though the acquired land is classified as dry land, it is fit to be converted into house sites. Considering the favourable location, the land was acquired for the purpose of housing Tamil University, Thanjavur. Similarly, it is not in dispute that the respondent/claimant is entitled to get compensation as awarded in the other land acquisition original petitions relating to the similarly placed lands acquired for the very same purpose.

7. It is not in dispute that the Land Acquisition Officer had fixed the market value at a very meagre value of Rs. 2500/- per acre. Based on Ex.P1, copy of the order passed in the connected L.A.O.Ps, the Land Acquisition Tribunal has fixed the market value of the acquired land at Rs. 100/- per Cent, which cannot be said as excessive or on the higher side. The learned Government Pleader has not disputed the fact that the respondent/claimant is also entitled to get compensation as that of the other claimants for the lands acquired from him.

8. Considering the evidence available on record, I am of the view that there is no error or infirmity in the impugned award passed by the Court below so as to warrant any interference of this Court.

9. In the result, the impugned judgment and decree passed by the Subordinate Judge, Thanjavur, in L.A.O.P. No. 140 of 1983 are confirmed and the appeal is dismissed. However, no order as to costs.