
(2010) 07 MAD CK 0190
In the Madras High Court
Case No : A.S. No. 197 of 2006

The Sub Collector

APPELLANT

Vs

Abbas and Panruti Municipality

RESPONDENT

Date of Decision : 06-07-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1)

Citation : (2010) 07 MAD CK 0190

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : V. Ravi, Spl. G.P. AS, for the Appellant; V. Ravi, Spl. G.P. (AS) for R-2 and R. Sunil Kumar and P. Venkateswaran for R-1, for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—Heard the arguments of Mr. V. Ravi, learned Special Government Pleader (AS) appearing for appellant and the second

respondent and Mr. R. Sunilkumar, learned Counsel appearing for first respondent. Pleadings set were printed and circulated. Original records

were summoned from the court below and were examined.

2. This is an appeal filed by the Sub Collector, South Arcot District, Cuddalore against the judgment and decree of the Sub Court, Panruti made in

LAOP No. 45 of 1996, dated 29.7.2004.

3. The grievance of the appellant was that the court below had erred in increasing the compensation from Rs. 1.95/- per sq. ft. to Rs. 16.79 per

sq.ft. and hence it was alleged that it was in complete violation of the guidelines issued under the Land Acquisition Act. The lands of the respondent

in Rs. No. 44/4A to an extent of 0.20.0 hectares situated at Vadakailasam, Panruti Taluk were acquired for expansion of Panruti Municipal Bus

stand. The Referring Officer awarded at the rate of Rs. 85106/- per acre with 30% solatium and 12% interest from the date of publication of

Section 4(1) notification, dated 10.1.1982, by an award in Award No. 1/85. The land owner claimed that the compensation awarded was very

inadequate. The matter was referred to the Reference Court.

4. The stand of the land owner was that the lands are situated next to the bus stand, which is already in existence and located amidst developed

residential and commercial area. Further, schools, hospitals and Government offices are nearby. It is on the main road from Cuddalore to Chittoor

and that nearer to the lands, there are various Government offices including Magistrate Court, Police station and community hall. The market value

was on the basis that it was a dry land. But its potential and commercial value was not taken into account.

5. However, this was resisted by the appellant State stating that the compensation was correctly fixed. Before the court below, on the side of the

claimant, three witnesses were examined including himself and four documents were filed. On the side of the appellant, four documents were filed

and one Ramachandran was examined. The court below held that purpose of acquisition was to expand the bus stand. The data land value

produced cannot be accepted as it was a sale between the father and son and subsequently, additional stamp duty was paid on the registration.

The land was situated right inside the Panruti Municipal limit. There is no further improvement required in the land. There are commercial complex

and that the main road is situated next. Therefore, Ex.B.2 cannot be the only basis. On the other hand, Exs.A.1 to A.3, sale deeds are having close

proximity to the value of the adjacent land acquired. In fact, as per Ex.A.1, sale deed obtained by the Sourth Arcot Central Cooperative Bank for

purchasing the vacant land, if it is taken into account, it comes to Rs. 16.79 per sq.ft. Therefore, that was taken as basis for arriving at

compensation. It is as against the same, this appeal was filed.

6. Considering the fact that the land was already a developed land and adjacent to it, already exists a bus stand, which is in operation, it cannot be

said that the court below had made any exorbitant increase. But, it had taken into account the potential value of the land and its locational

advantage. Further, the land did not require any further improvement as

admitted by R.W.1.

7. It must be noted that the Supreme Court in its latest judgment in Sagunthala (Dead) through LRs. Vs. Special Tehsildar (L.A.) and Others, has

laid down factors to be determined in awarding compensation. In paragraphs 24 to 26 and 34, it was observed as follows:

24. In the light of the above material facts this Court feels that the presence of a number of buildings on the lands acquired and the said lands being

occupied by the buildings are to be treated as house sites. The basic purpose that has been traced out in the evidence and as admitted by the RWs

is that the lands were acquired for the purpose of putting up residential quarters. As a portion of the land is being considered as house site, the

adjoining lands have the potential of being put in better use as house sites in the near future.

25. The other important factor is the proximity of the plots to two residential colonies i.e. Anna Nagar and Gandhi Nagar. As it has come on

record that Anna Nagar Colony has about 50-60 houses and Gandhi Nagar Colony has about 150 houses, as such it is reasonable and proper to

conclude that the present lands under dispute were near the residential colonies.

26. It should also be taken into consideration that the disputed lands were situated near the factory premises and further were adjoining the main

road which connects Tanmag Road. As such the aforesaid lands are potential house sites.

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34. In view of the admitted case that the lands acquired were potential house sites we do not agree with the views taken by the High Court while

calculating the compensation. R-13 and R-15 are the two sale deeds containing particulars of the sale transactions held three years prior to the

Section 4(1) notification. The Reference Court after close perusal of the aforesaid documents held that the same disclose that out of more than 100

sales, a number of sales in respect of the lands were sold as house sites in Thathaiyangarpatti Village and the adjacent survey numbers in

Thekkampatty Village were also sold as house sites.

8. In the light of the above, this Court is not inclined to interfere with the judgment of the court below. Hence the appeal suit will stand dismissed.

The parties are allowed to bear their own costs.