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AS.No.100 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

AS.No.100 of 2012

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District

... Appellant

Vs.

1.Gaffar
2.Nawab
3.Malliga
4.Govindasamy Reddiar
5.Minor Govindan
6.Meenakshi Sundaram
7.R.Banumathi

...Respondents

PRAYER: Appeal Suit is filed under Section 54 of the Land Acquisition Act to set aside the decree passed in LAOP.No.82 of 1995 dated 28.04.2006 on the file of the District Judge(Training) Additional Subordinate Judge-II, Tiruvannamalai.

For Appellant : Mr.T.Chandrasekar,
Special Government Pleader(AS)

For Respondents

For R6 & 7 : Mr.V.Prakash Babu
R1 to 4 : Died(steps due)



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JUDGMENT

This Appeal suit is filed against the decree passed in LAOP.No.82 of 1995 dated 28.04.2006 on the file of the District Judge(Training) Additional Subordinate Judge-II, Tiruvannamalai thereby enhanced the compensation in favour of the claimants.

2. The appellant is the Land Acquisition Officer and the respondents are the claimants. The claimants' land comprised in survey No.84/3D1 to an extent of 0.29.0 hectares belonged to claimants No.1 to 3 and the land comprised in survey No.86 /2B,A1 to an extent of 0.85.5 hectares belonged to claimants No.5 to 8. In order to acquire the said lands, Section 4(1) of the Land Acquisition Act notification was published in the village on 18.04.1993 for the purpose of constructing Market Committee. After completion of acquisition proceedings, the Acquisition Officer passed an award thereby re-fixed the market value of the property as Rs.21,500/- per acre. It was referred under Section 18(1) of Land Acquisition Act. The claimants filed claim petition for enhancement of compensation before the referral court.



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3. The claimants marked Ex.C1 and C2 and they had examined CW1 and CW2. The appellant had examined RW1 and marked Ex.R1 to Ex.R11. On perusal of oral and documentary evidence, the referral court fixed at Rs.2000/- per cent.

4. On perusal of records revealed that the Acquisition Officer failed to consider the prevailing market value of the property at the time of acquisition. Therefore, the Acquisition Officer failed to fix the correct value of the acquired lands in accordance with the principles of law laid down by this Court as well as the Hon'ble Supreme Court of India. Therefore, the referral court awarded compensation by considering the market value of the acquired lands. The claimants marked Ex.C1 and C2. Ex.C1 is the award passed in LAOP.No.7 of 1986 thereby held that in respect of the land acquired in survey No.91/1A3D2. The said judgment was pronounced on 01.10.1986. In the present acquisition proceedings, Section 4(1) of the Land Acquisition Act notification was issued on 21.01.1984. The acquired properties are also located just opposite to the lands which are acquired in the present case. In the said case, considering the market value of the land and fixed price at Rs.1306.80/- per cent. On perusal of



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Ex.C2, it is the sale deed in respect of the land comprised in survey No.90/1A to an extent of 3854 sq.ft. sold on 04.06.1990 for the sale consideration of Rs.23,000/- and the square feet comes to Rs.6/-. The acquired property is also situated just opposite to the said property. Therefore, considering both the documents, the referral court rightly enhanced the compensation and thereby fixed at Rs.2,000/- per cent with other benefits. Hence, this Court finds no infirmity or illegality in the decree passed by the referral court and this appeal suit is liable to be dismissed.

5. Accordingly, this appeal suit is dismissed and the decree passed in LAOP.No.82 of 1995 dated 28.04.2006 on the file of the District Judge(Training) Additional Subordinate Judge-II, Tiruvannamalai is confirmed. There shall be no order as to costs.

14.12.2023

Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order
lok



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- 1.The District Judge(Training)
Additional Subordinate Judge-II,
Tiruvannamalai.
- 2.Section Officer,
V.R.Section,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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