

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, TIRUVALLUR
PRESENT: Tmt.J. JULIET PUSHPA, B.Sc., M.L.
Principal District Judge, Tiruvallur

Thursday, the 20th day of August, 2025

I.A.1/2023 in LAOP No.373/2022

1. AVB Ramachandran
2. R. Radha

...Petitioners/Claimants

//Versus//

1. The District Revenue Officer (LA)
Chennai Outer Ring Road Scheme
Koyambedu, Chennai
2. The Divisional Engineer (C&M)
State Highways Department

...Respondent/Respondent

This Petition is coming on for final hearing on 07.08.2025 in the presence of M/s V. Srinivasa Babu, Rubina Q, learned counsel for Petitioner and Thiru. E. Vijayakumar, Government Pleader appearing for the respondents upon hearing both side, perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

This Petition is filed by the petitioner under order XXVI Rule 9 of Civil Procedure Code to appoint an Advocate Commissioner to note down the topo sketch distance of 800 meters in and around the acquired land and to note down its advantage locations of commercial, residential, colleges industries which is involved in Award No.1/2021 dated 22.04.2021 and also to note down the location and distance of data of land fixed by the referring Officer comprising 367 sq. mt in

S.No.51/4 , 51/B2 in No.114, GNT Road, Nallur Village near Redhills Toll Plaza, Chennai-600067 and material advantages of acquired land.

2. The averments in the petition in brief :

According to the petitioner, the petitioner's land of 367 sq. mt in S.No.51/4 , 51/B2, in No.114, GNT Road, Nallur Village in No.114, GNT Road, Nallur Village near Redhills Toll Plaza, Chennai-600067 was acquired by the referring officer for which compensation was fixed at Rs.670/- per sq. ft. and paid total compensation of Rs.60,58,167/- on 02.09.2021. Aggrieved over the same, the petitioner filed the claim petition. The acquired land abuts GNT and Outer Ring Road is in front of Venkateswara medical college and hospital, Further, the acquired land fall within 800 meters the area surrounded by the commercial warehouses and godowns. Further there are many commercial outlets and residential, colleges industries also exists . Therefore, it is necessary to appoint advocate commissioner to note down the topo sketch distance of acquired land in 367 sq. mt in S.No.51/4 , 51/B2, in No.114, GNT Road, Nallur Village in No.114, GNT Road, Nallur Villge near Redhills Toll Plaza, Chennai-600067 along with topo sketch

3. Counter by the respondent in brief :

The respondents resisted the petition stating that the lands covered in the case in Nallur village, Ponneri Taluk for the provision of Chennai Outer Ring Road, Phase – II, Project. In respect of the award, totally 367 sq. mt. in Nallur village owned by the petitioner was acquired under Award No.1/2021 on

22.04.2021. The market value for the land 3 years prior to 15(2) Notification dated 02.01.2019 was acquired and quantum was fixed since the the land held do not bear same GLV of the acquisition land and therefore, guideline value of the land prevailed at that time was taken into consideration . The land owner do not have any public access. After the formation of interchange facility through acquisition lands only the public access facility has come to the lands, wherein Sri Venkateswara Medical hospital has been constructed. The value was determined as per section 26 of RFCTLARR Act. Hence, prayed to reject the petition

4. No oral or documentary evidence adduced on both sides.

5. Now, the point for consideration is

1. **Whether petitioner is entitled for the relief of appointment of Advocate Commissioner as sought for?**

2. **Whether this petition is to be allowed ?**

6. **POINT:**

Heard both sides.

This petition is filed by the petitioner, who is the claimant in the Land Acquisition proceedings is seeking appointment of advocate commissioner to note down the topo sketch distance of 800 meters in and around the acquired land and to note down its advantage locations

7. The case of the petitioner is that the referring officer fixed the value of the acquired land at a less rate of Rs.670/- per sq. ft. . But, the acquired land fall within 800 meters the area surrounded by the commercial warehouses and godowns. Further there are many commercial outlets and residential, colleges industries also exists .

The learned counsel for the respondents submitted that only in accordance with section 26 of RFLCTARR Act the value of the land was fixed.

8. On considering the claim of the petitioner that the acquired lands are surrounded by commercial outlets and also access to GNT Road and if the topographical situation of the land is brought to the notice, it would be an additional documents for the just decision of the case.

9. It is settled law that Advocate Commissioner could be appointed only when the Court is satisfied that on the materials available on record, the party is not able to produce the desired evidence, the Court may assist the party to appoint the Advocate Commissioner to obtain the evidence. It is also not in dispute that Advocate-Commissioner be appointed to inspect any property relating to the dispute for the purpose of noting down the physical features of the property. Further, an Advocate-Commissioner cannot be appointed to find out the factum of possession of any property relating to the dispute, since the same could be adjudicated upon by adducing oral and documentary evidence in the manner known to law before the Court.

10. Here, the respondent does not dispute the location or existence of commercial outlets in and around the acquired land. The dispute is with respect to the quantum of compensation and valuation of the acquired land. Therefore, it can be ascertained about the location and topographical salutation of the acquired lands and also advantageous position, which would be an added information while deciding the reference claim petition.

11. Therefore, considering the nature of subject matter in dispute in this case, this Court considers that best evidence in this case could be obtained only by the Appointment of advocate commissioner to submit the report on the physical existence and location and its advantages position of the acquired land. Truly, it would reduce much oral and documentary evidence to substantiate the claim of both parties. Though, the commissioner cannot decide the disputes, the report would help the Court in deciding the issue in dispute. It is made clear that the Advocate Commissioner shall mention the location with topographical sketch

12. For the reasons stated above, this Court considers that appointment of advocate commissioner to inspect the petition schedule property as sought for. The points are answered accordingly in favor of petitioner.

In the result, this petition is allowed. Thiru.R. Janath Kumar (MSNo.1944/2021), Advocate, Tiruvallur is appointed as Advocate Commissioner to inspect the acquired land in LAOP.373/2022 and note down the location and distance of data of land and file the report along with sketch.

The Advocate commissioner is directed to execute the warrant after due notice to both parties and also record objections if any by either party. The commissioner fee is fixed at Rs.10,000/. The petitioner is directed to pay the fees to the Commissioner directly within 10 days and to file a memo before this Court to that effect. For commissioner Report with sketch call on 18.09.2025.

Dictated to Steno-typist, transcribed and typed by him, corrected and pronounced by me in Open Court, this , 20th day of August, 2025

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**

Petitioner and respondent side witnesses and Exhibits : NIL

**PRINCIPAL DISTRICT JUDGE,
TIRUVALLUR**