

**IN THE VI ASSISTANT CITY CIVIL COURT AT CHENNAI**

**Present: Thiru. P. Sundararajan., L.L.M.,**

**V Assistant Judge.**

**VI Assistant Court (FAC)**

**Wednesday, the day 31<sup>st</sup> January 2024**

**LAOP. No. 23 of 2016**

**CNR.No.TNCH01-004780-2016**

1. Land Acquisition Officer cum,  
Special Deputy Collector (L.A),  
Tamil Nadu Urban Development Project – III,  
Chennai @ Poonamalli, Chennai – 600 056.

2. The Divisional Engineer (Highways),  
Chennai Metropolitan Development Plan  
Division – 1,  
Chennai – 600 032.

...Referring Authorities

**..VS..**

1. Thiru. B. Devaraj Jain,  
2. Tmt. Nainibai & Daughters,  
3. Thiru. B. Hukamchand Jain  
4. Thiru. B. Aravindkumar Jain  
5. Thiru. B. Uthamchand Jain

All are residing at  
No.1, 12<sup>th</sup> West Cross Road,  
M.K.B. Nagar,  
Vyasarpadi,  
Chennai – 600 039

...Claimants

This Land acquisition original petition came up before me for final hearing on 18.01.2024 in the presence of City Government Pleader for Referring Authorities and M/s.H.Surendar, G.Venkatesan, R.Lakshmi Counsels for the Claimants and after hearing arguments of claimants side, perusing the written arguments filed by both sides and upon perusal of case records, and this petition having stood over for consideration till this day, this court delivered the following:

### **ORDER**

This petition arose from a reference by the Land Acquisition Officer under Section 20(1) of The Tamil Nadu Highways Act, 2001 (Tamil Nadu Act, 34/2002) and claim statement filed by the claimants to award enhanced compensation at the rate of Rs. 5000/- per Sq.ft., for their acquired land and pass such further or other orders.

#### **01. Material facts states in the reference runs as follows:-**

The Land Acquisition Office has acquired the property measuring to an extent of 855.5 Sq.ft. land with super structure in town survey No. 686/5 situated at Perambur Village, Erukenchery High Road, Vyasarpadi, Chennai – 600039 for construction of Railway Bridge at Vyasarpadi, Perambur Village under Tamil Nadu Urban Land Development Project – III as per Award passed in Award No. 01/2011, dated 15.07.2011.

ii. The Claimants were not satisfied with the award of compensation hence, the reference has been made to this court under Section 20(1) of The Tamil Nadu

Highways Act, 2001 (Tamil Nadu Act 34/2002). The the Land Acquisition Officer has fixed the market value of the acquired land at Rs. 1250/- per Sq.ft. and awarded 30% of solatium along with 12% of additional market value and cost of super structure and thereby awarded total compensation of Rs.21,17,472/- for the acquired land and super structure the detailed calculation of the compensation is tabulated hereunder for better understanding:

| T.S. No. and Block No. | Classification | Extent in A-C | Particulars of Trees and Structures Value etc. | Particulars of compensation awarded |              | Date of Possession |
|------------------------|----------------|---------------|------------------------------------------------|-------------------------------------|--------------|--------------------|
|                        |                |               |                                                | Rs.                                 |              |                    |
| T.S.No. 686/5          | Quit Rent      | 855.5         | Shops-2, Iron Gate, Vacant                     | Land Value                          | 10,69,375.00 | 25.01.2012         |
|                        |                |               |                                                | Structure Value                     | 3,95,351.00  |                    |
|                        |                |               |                                                | Total                               | 14,64,726.00 |                    |
|                        |                |               |                                                | 30% Solatium                        | 4,39,418.00  |                    |
|                        |                |               |                                                | 12% Addl. Market Value              | 2,13,328.00  |                    |
|                        |                |               |                                                | Total Compensation                  | 21,17,472/-  |                    |

**02. The Material Facts Stated In The Claim Statement Filed By The Claimants As Follows:-**

i. The Claimants have filed the claim statement that their property to the extent of 855.5 Sq. ft. situated at T.S. No. 686/5 Perumbur Village, Erukenchery High

Road, Vyasarpadi, Chennai - 600 039 was acquired by the Government for the purpose of constructing Railway Bridge at Vyasarpadi, Perambur Village under The Tamil Nadu Urban Land Development Project – III in award No. 01/2011 dated 15.07.2011. The compensation for the acquired land was fixed at Rs.1250/- per Sq. ft. and total compensation for superstructure was awarded for a sum of Rs. 3,95,351/-.

ii. The Land acquisition authorities called for land owners meeting on 29.09.2010 wherein Claimants and other Landlords of the area and their House Owners Association Representatives participated in that meeting. During discussions it was represented before the authorities that the prevailing market price of the land at that time was above Rs. 5,000/- per Sq., ft., and as such they claimed compensation for land at the rate of Rs. 5000/- per Sq., ft., and suitable compensation for the super structure erected there upon. Subsequently, the land owners whose lands are under acquisition list in the above said Project sent a common representation dated 31.07.2011 to the authorities narrating the land owner's grievances and thereby requested the acquiring authorities to conduct fair survey in the area before fixing compensation and award suitable compensation to their lands. But the representation was not considered by the authorities and the land owners are left in dark about compensation that was going to be fixed by the acquiring authorities for the land proposed to be acquired. Thereafter, the claimants have sent a legal notice on behalf of their House Owners Association to

the land acquisition authorities on 23.10.2010 and thereby called upon them to furnish the clear details of acquisition project and to consider their representations and their demand of fixing the compensation for the land at the rate of Rs. 5000/- per sq. ft.,. Thereafter, claimants have not received any communications from the land acquisition authorities as to consideration of the representations however an extent of 855.5 Sq.ft., of claimants' land was acquired by the authorities and the super structure built up thereupon also demolished and Project work of bridge construction has been commenced.

iii. During that time, Tamil Nadu Housing Board, Anna Nagar Division had made a News Paper Publication in “The Hindu” daily dated 15.12.2010 about sale of lands where in the land price at M.K.B. Nagar, Vyasarpadi which is located nearby the Claimants' land was fixed at Rs. 5100/- to 5400/- per Sq.ft.,. This publication itself would clearly go to show that the prevailing market value of the land in the vicinity where the acquired land is situated is more than Rs.5000/- per sq.ft.. The information about this publication was brought to the notice of the land acquisition authorities by the House Owner’s Association of the claimants however, the same was not considered by the acquiring authorities.

iv. Further more, the Tamil Nadu Registration Authorities also notified the higher market value prevailing in the area of the acquired land and revised it's guideline value from Rs. 1250/- per Sq.ft. to Rs. 6000/- per Sq.ft. during the year 2011 . This sequence would indicate the higher market value prevailing in the

vicinity where the acquired land is situated and the acquiring authorities were also fulling knowing well that the market value of the acquired land is more than Rs.5000/-. Despite all these facts the referring authorities have failed to consider the Claimants' demand of compensation for their acquired land.

v. The first referring authority who is the Land Acquisition Officer Cum Special Deputy Collector (L.A) through his Ref. No. Na. Ka. 235/2608/A1 communication dated 15.07.2011 intimated to the claimants that as per Section 19(3) of the Tamil Nadu Highways Act, 2001 the compensation for the acquired land for the claimants was fixed at Rs. 1250/- per Sq., ft., and thereby a sum of Rs.10,69,375/- was awarded as compensation for 855.5 sq.ft. of acquired land ( $855.5 \times 1250 = 10,69,375/-$ ). The compensation fixed by the authorities is comparatively very low and the claimants have registered their objection for the compensation awarded for their land. In fact the Tamil Nadu Housing Board which is a Government establishment after fair and careful survey had fixed price for MKB Nagar land which is located nearby the claimants' land at the rate of Rs. 5100/- to 5400/- per sq.ft.,. Taking into consideration of this fact the claimants are also entitled to receive compensation at the price fixed by the Tamil Nadu Housing Board.

vi. The land acquisition authorities have fixed very low market price for the land and super structure and arrived at the total compensation to be paid to the claimants as follows:

|                             |   |                                   |
|-----------------------------|---|-----------------------------------|
| i) For Land 855.5 Sq., ft., | - | Rs. 10,69,375/-                   |
| ii) Structure Value         | - | Rs. 3,95,351/-                    |
| iii) 30% Solatium           | - | Rs. 4,39,418/-                    |
| iv) 12% Addl. Market Value  | - | Rs. 2,13,328/-                    |
| Total Compensation          |   | -----<br>Rs. 21,17,472/-<br>----- |

vii. As per the prevailing market value of the land acquired, the claimants are entitled to receive total compensation of Rs.42,77,500/- for the 855.5 sq.ft. of land. If the same is calculated at the rate of Rs. 5,000/- per sq.ft., (855.5 x 5000 = 42,77,500/-). From the beginning itself the claimants representing before the land acquiring authorities to award Rs. 5000/- per Sq.ft. for the land acquired however, they have not chosen to consider the demand made by the claimants. The authorities have failed to explain on what basis the award of Rs. 1250/- per sq.ft., has been fixed for the land. The claimants have not satisfied with the quantum of compensation awarded for the land and registered their objection and as such the matter is referred to this court. Hence, the claimants are entitled for enhanced compensation.

**03). The brief facts of the Counter filed by the Referring Authorities:-**

i. The Highways Department has acquired the land measuring to an extent of 855.5 Sq.ft., along with building thereupon for the construction of Railway Over Bridge at Vyasarpadi under pass at Km 4/3 of GNT Road by invoking of Highways

Act, 2001 (Act, 34/2002). Necessary notification under Section 15(2) of Tamil Nadu Highways Act 2001 for acquisition of 855.5 sq.ft land in Vyasarpadi Town was published in dailies such as Dinakaran on 28.04.2010, Deccan Chronicle on 28.04.2010 and locality publication at Taluk office of Perambur-Purasaiwalkam on 29.04.2010 and office of Revenue Inspector Perambur- Purasaiwalkam on 29.04.2010.

ii. Apart from the above process necessary notices to the land owners interested persons over the land were also served under section 15(2) inviting objections if any for the proposed acquisition of the above lands referred. The enquiry was fixed for the same on 20.05.2010 and 21.05.2010.

iii. During the specified time and also the enquiry objections received from the interested persons were forwarded to the requisition body for their remarks. After receiving the remarks from the requisition body necessary proposals for acquisition of the land under section 15(1) of Tamil Nadu Highways Act, 2001 was sent to The Government for approval. The Government in its G.O. No.258 Highways and Minor Ports (HW1) Department dated 09.08.2010 have approved the notification under Section 15(1) of Tamil Nadu Highways Act, 2001 and also published the same in The Tamil Nadu Government Gazette No.242 Part II Section 2 on 09.08.2010.

iv. To determine the amount of compensation to be awarded for the land acquired under Tamil Nadu Highways Act 2001, the market value of the land on the

date of publication of the Notification under Section 15(2) of Tamil Nadu Highways Act, 2001 was taken.

v. The market value has been determined based on sales statistics obtained from Purasaiwalkam Sub-Registrar office, from the date of 28.04.2009 to 27.04.2010 in Perambur Town. After careful consideration as per law, sales in S.No.534, T.S.No.669/8, vide sale document No.4496/09 registered on 29.12.2009 the market value of the acquired land was fixed at Rs.1250/- per sq.ft. and the property conveyed in that document was taken as data land.

vi. In addition to that, as per the Act, the compensation amount included 30% solatium and 12% additional market value also fixed apart from the cost of the building. The Government shall pay the amount determined with interest thereon at the rate of 9% per annum from the date of taking possession until it shall have been so paid or deposited.

vii. After the publication of G.O. under Section 15(1) in The Government Gazette the land value has been fixed tentatively and an enquiry under Section 19(2) & 19(3) was conducted by the DRO Chennai on 03.11.2010. The Notice under Section 15(2) at Tamil Nadu Highways Act, 2001 was served to the land owners to deliver the possession of the land.

viii. At the time of acquisition of the land and building, the referring authority paid the compensation amount of Rs.1250/- per sq.ft., for land and paid the compensation amount of Rs. 21,17,472 /- including the building value as per award

passed in Award No.1/2011 dated.15.07.2011.

ix. The claimants received the entire compensation amount of Rs.21,17,742/- including 30% solatium and 12% additional market value. The said amount was received by the claimants on 30.04.2012 by way of four Cheque Nos. 366330, 366331, 366332, 366333, 366334 drawn at Indian Bank, Poonamallee Branch, Chennai-600056.

x. The claimants filed the present claim statement to enhance the compensation award amount for a sum of Rs.5,000/- per sq.ft of land acquired and respective solatium, additional market value and cost of the building. The award was passed by the referring authority fixing the award amount as per market rate at the time of acquisition of the land. The land value fixed as per Tamil Nadu Highways Act, 2001 and the claim made by the claimants for enhancement of compensation is unreasonable and same is without any documentary or other evidence. Hence, the claim statement is liable to be dismissed.

#### **04. POINT FOR CONSIDERATION:**

*Whether the claimants are entitled for enhanced compensation at the rate of Rs. 5000/- per Sq. ft. as prayed for?*

#### **05. ON THE POINT:**

On the side of the Claimants', one B. DevarajJain was examined as CW1 and 6 documents were marked as Exhibits C1 to C6. On the other hand one B. Sarala, Special Tahsildar (LA&M), Thiruvottiyur Unit, Highways Department Chennai

Collectorate, Chennai 600001 was examined as RW1 and 8 documents were marked as Exhibits R1 to R8.

06. The learned counsel who appears for the Claimants would submit that the Claimants are the absolute owners of the land and superstructure acquired by the referring authorities. The extent of land measuring 855.5 Sq. ft., along with superstructure thereon in T.S. No. 686/5 in Perambur town (Vyasarpadi), Perambur, Purasaiwalkam Taluk, Chennai – 600039 was acquired by the Referring authorities for construction of Railway Bridge under Tamil Nadu Urban Land Development Project – III. The compensation for the land acquired by the referring authorities has been fixed at Rs. 1250/- per Sq.ft., based on sales statistics obtained from Purasaiwalkam Sub-Registrar office for the period from 28.04.2009 to 27.04.2010 and a document vide registration No. 4496/2009 dated 29.12.2009 was taken for fixing the market value of the acquired land and the land conveyed through this document has been taken as data land for arriving a compensation.

07. The learned counsel further would submit that the total compensation awarded for the acquired land is Rs.10,69,375/- and for the building thereupon is Rs.3,95,351/- however, the authorities have not chosen to explain as to what basis the compensation for the land and building was arrived. As per the guideline value of the Tamil Nadu Registration Department, the value of Purasaiwalkam-Erukenchery High Road is Rs. 6000/- per sq.ft. Even applying Rule in the Supreme Court decision reported in 2004(2) SCC page 283, the claimants are entitled to get

a sum of Rs. 5000/- per sq.ft. as compensation for the land acquired. The acquiring authorities have not chosen to follow the correct procedure and also failed to consider the relevant records and the representation given by the claimants.

**08.** While determining the compensation the date of publication of notification under Section 15(1) of Tamil Nadu Highways Act, 2001 as to be taken into consideration. The referring authorities have not chosen to take the market value of the land but has taken the guideline value of lane as data land which is no way comparative to the land acquired by the authorities and thereby fixed lesser amount of compensation which is per se unreasonable. The data land is situated in a lane of 20 feet width whereas, the acquired land is situated in a 100 feet width highway. Therefore, comparison of claimants' land which is situated in a 100 feet width highway with the data land which is situated in a lane having 20 feet width is erroneous. Therefore, the claimants are entitled for the compensation at the rate of Rs.5000/- per sq. ft. for the land acquired along with 30% solatium and 12% additional market value and for real cost of the building.

**09.** Per contra, the learned City Government Pleader has stated in the written arguments that after careful consideration of prevailing market rate when at the time of acquisition of the land, the referring authorities have arrived at a prevailing market value of the land at 855.5/- per sq.ft. In addition to the market value of the land 30% solatium and 12% additional market value and cost of the building also fixed and thereby paid a sum of Rs.21,17,472/- to the claimants on 30.04.2012 by

way of four cheques bearing Nos.366330, 366331, 366332, 366333, 366334 as per the award No. 01/2011 dated 15.07.2011. After receiving the compensation the claimants have come out with this claim statement without any basis and reasonable cost hence, the enhancement of claim sought by the claimants is liable to be rejected.

**10.** Contention of both sides, materials on records perused and considered. The first and foremost factors to be considered are whether the advantageous, location and potential possibilities of the data land is comparatively equivalent to that of the acquired land and the same are commensurate with the all factors to the acquired land belongs to the claimants or not.

**11.** Admittedly the acquired land is situated at 100 feet width highway otherwise called Bangalore highways whereas, the data land is situated in a lane having width of 20 feet. In such circumstances, the referring authorities ought to have taken the data land for fixing the compensation in the same highway which is proximity to the acquired land and having similar nature of advantageous and potential possibilities. However, the referring authorities have taken the data land which is situated in a 20 feet width lane. It is an undisputed fact that the acquired land is situated at 100 feet width land namely Erukanchery-Purasaiwalkam highway otherwise known as Bangalore highway. In such circumstances, the market value of the property situated in a 100 feet width highway cannot be compared or equated with the property situated in a 20 feet width lane. Absolutely there is no any

explanation offered by the acquiring authorities on what basis the market value of the data land is equivalent to that of the acquired land. It is the bounden duty of the acquiring authorities to satisfactorily explain to the claimants whose land is acquired by the Government for public purpose. When, the land of the Citizen of India is acquired by the statutory authority by invoking any special enactments, it is the responsibility of the Government to adequately compensate the land losers and thereby give the healing touch to their bleeding hearts. Because, owning a property of an individual or a common people for their own use and occupation are from their perspiration and soulful dreams. In such circumstances, if their lands are acquired by a statutory authority, it should at least live upto the just expectations of the land losers. These attitude of the statutory authority should be approached with sociological and philosophical aspects. Uprooting a man or family from his dreamful land involving lot of sentiments. When there being the case, it is the premordial responsibility of the land acquiring authorities to award at least reasonable compensation to the just satisfaction of the land losers.

**12.** In support of the contention of the claimants Ex.C5 which is the information given by the Sub-Registrar, Purasaiwalkam, SRO under Right to Information Act on 21.09.2016 has been marked, wherein it has been clearly mentioned that the acquired land is coming under the purview of commercial special type of property and its guideline value as per 2011 guideline viz. G.O.No. 75 CT & R(II) department dated 01.06.2010 is Rs.6000/- per sq.ft.,. In such circumstances,

the referring authorities ought to have given any acceptable or justifying reasons for choosing the data land to fix the market value of the acquired land and thereby fixing the market value of the acquired land as Rs.1250/- sq.ft.

**13.** The compensation provision of the Act is in the nature of a welfare stipulation and thus the State Government must be just and fair to those whose land it acquires. It is not just and fair to deprive the owner of any property without payment of its true market value, especially when the law provides that the same shall be paid (***Mahesh Dattatray Thirthkar Vs. State of Maharashtra Civil Appeal No.1526 of 2009 of Supreme Court of India, dated 04.03.2009***). It is settled preposition of law that the market value can be ascertain on the basis of comparable sale deeds of the comparable lands however, in the present case the acquired land is situated in a 100 feet width highway whereas the acquiring authorities have taken the data land sale deed for arriving the compensation from a property situated in 20 feet width lane. Absolutely there is no bonafide on the part of the acquiring authorities. When there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied, that it is a bona fide transaction has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition. In our view, it seems to be only fair that where sale deeds

pertaining to different transactions are relied on behalf of the Government, the transaction representing the highest value should be preferred to the rest unless there are strong circumstances justifying a different course. It is not desirable to take an average of various sale deeds placed before the authority/court for fixing fair compensation. (*Mehrawal Khewaji Trust (Regd.) Vs. State of Punjab & Ors. Civil Appeal No.4005 of 2012 of Hon'ble Supreme Court dated 27.04.2012*)

14. It is a trite proposition of law that the guideline value would never be a market value and the guideline value can be taken into account only for the purpose of collecting stamp duty. The Tamil Nadu Housing Board, Anna Nagar Division had made a News Paper Publication in "The Hindu" daily dated 15.12.2010 about sale of lands where in the land price at M.K.B. Nagar, Vyasarpadi which is located nearer to Claimants' land was fixed as Rs. 5100/- to 5400/- per sq.ft.,. To substantiate the same Ex.C4 a copy of the registered sale deed executed by Tamil Nadu Housing Board in favour of one T. R. Jayakumar has been marked by the claimants which would clearly go to establish the higher market value of the properties situated around and nearer to the acquired land and per se by the property conveyed by the Tamil Nadu Housing Board through Ex.C4 is not even situated on the highway of Erukkencherry-Purasaiwalkam. Out of this publication, it is clear that the market price of the locality in which the the acquired land situated was more than Rs. 5000/- per sq., ft. at that time of acquisition proceedings was going on. The information about this publication was brought to the notice of the

land acquisition authorities by the claimants and also by the House Owner's Association however, the same was not taken into consideration by acquiring authorities and absolutely no reasons offered by the authorities concerned not considering the sale deed conveyed by the Tamil Nadu Housing Board at that time for fixing the market value of the acquired land.

15. Further, the Tamil Nadu Registration Authority also noticed the higher market value prevailing in the area and revised its guideline value in the year 2011 from Rs. 1250/- to Rs. 6000/- per sq.ft. . This sequence would indicate the higher market price in the area and the authorities are also fully aware of the higher marked value of the acquired land. In such circumstances, the acquiring authorities ought to have fixed the market value of the acquired land at least at the rate of a sum of Rs.5000/- per sq.ft. However, they have not chosen to do so and absolutely there is no any acceptable reason or reason offered by the referring authorities.

16. In support of contention of the Claimants the following judgments were relied on:

***MehrawalKhewaji Trust (Regd.) Earidkot and others vs. State of Punjab and others, 2012 (5) SCC 432 Para 15***

"When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona-fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition".

***Mahesh Dattatray Thrithkar vs. State of Maharashtra, 2009 (11) SCC 141***

"The burden of proving true value of acquired property is on the State that has acquired it for a particular purpose, on facts, it can legitimately be concluded that the burden of proving inadequacy of the amount which lay on the Claimants was successfully discharged by him".

***The Special Tahsildar (L.A.) Krishna Water Supply Project Unit-3, Thiruvallur vs. Rathinareddi, 2003 (1) MLJ 781***

"Market value be fixed on the basis of comparable sale transaction – transactions fetching the maximum price and most advantageous to the Claimants has to be taken into consideration, court should see at what price Claimants has to be taken into consideration, court should see at what price a willing seller will sell – court can do some guess work in fixing the market value".

17. The above authorities relied by the learned counsel who appears for the claimants are squarely applicable to the nature, facts and circumstances of this petition. Having considered all these admitted facts and the advantageous location and potential possibilities of the land has held by the Hon'ble Supreme Court of India, the court can apply its experience to the ground realities and fix the market value for the acquired land. Admittedly, Chennai City has been rapidly growing and the acquired land is situated in a highway having 100 feet width and almost it has been merged with the prime locality of the city hence guideline value of the property has been suddenly raised from Rs.1250/- to Rs.6000/- in a single slot during the

year 2010 itself. Absolutely there is no bona-fide on the part of the referring authorities in fixing the compensation for the acquired land at Rs.1250/- per sq. ft. that too situated in a highway having 100 feet width. The referring authorities have not chosen to mention any acceptable or valid reasons for arriving the market value at the acquired land at Rs.1250/- per sq. ft. In such circumstances, this court can give a healing touch to the bleeding hearts of the claimants only by way of enhancing the compensation for their property acquired by the referring authorities.

**18.** Admittedly, no any material evidence placed on the side of the claimants to show the enhanced value of the superstructure. The claimants ought to have examined any licensed value or civil engineer and thereby proved the enhanced value of the superstructure. However, the claimants have not chosen to examine any such witness. At least, they ought to have filed the building plan approval or any such relevant documents. In the absence of any such evidence, this court cannot enhance the value of the superstructure hence, this court is not inclined to award any enhanced compensation for the superstructure.

**19.** As per Section 23(2) of Land Acquisition Act, 1894, the claimants are entitled for 30% solatium and as per Section 23(1A) of the said Act the claimants are entitled for 12% additional compensation for the market value of the land from the date of the publication of the notification under Section 15(2) of the Tamil Nadu Highways Act, 2001 till the date of award of the referring authorities or the date of taking possession of the acquired land whichever is earlier. As far as the case on

hand is concerned, the claimants are entitled for 12% additional compensation on the market value of the land from the date of publication of the notice under Section 15(2) Tamil Nadu Highways Act, 2001 and as per proviso clause of Section 28 of Land Acquisition Act, 1894 the claimants are entitled for 9% interest for the period of one year from the date of possession and thereafter 15% till the date of payment or deposit made in the court.

**20.** Thus, considering the all factors in the value of immovable properties, I deem fit to fix the market value of the acquired land at Rs. 5000/- per sq. ft. Therefore, for the foregoing reasons, this court is of the considered view that the claimants are entitled to get the compensation for the acquired land at the rate of Rs.5000/- per sq. ft., solatium at the rate of 30%, additional market value of 12% and 9% interest for a period of 1 year from the date of date of possession and thereafter 15% till the date of payment or deposit made in the court. Thus this point is answered accordingly.

In the result, this petition is allowed without cost and the Referring Authorities are ordered to pay the Claimants market value of a sum of Rs.5000/- per square feet for the land acquired with 30% solatium and the Claimants are entitled to get 12% additional market value of the acquired land from the date of notification till the date of award of Referring Authorities or the date of taking possession of the land, which ever is earlier and the Claimants are entitled to 9% interest for the period of one year from the date of taking possession and 15% interest for the

subsequent period till the date of payment or deposit made in the court. With regard to the value of superstructures in the acquired land, the same is not altered and fixed as Rs.3,95,351/-. The Referring Authorities are ordered to deduct the amount which was already paid to the claimants from the total enhanced compensation. Three months time is granted for payment or deposit from today. The Learned City Government Pleader shall be entitled to maximum fees as per the Legal Practitioners Fee Rules prescribed for Land Acquisition Cases.

Dictated by me and computerized by steno-typist directly and corrected and pronounced by me in the open court on this the 31<sup>st</sup> day of January, 2024.

**V Assistant Judge,  
(FAC) VI Assistant Court  
City Civil Court,**

**01. Claimants Side Witnesses:-**

CW1:- B. Devaraj

**02. Claimants Side Exhibits:-**

| <b>S.No</b> | <b>Date</b> | <b>List of Documents</b>                                         |
|-------------|-------------|------------------------------------------------------------------|
| Ex.C1       | 15.12.2010  | Copy of the Publications (Xerox Copy)                            |
| Ex.C2       |             | Guideline Value of the acquired land (Xerox Copy)                |
| Ex.C3       | 16.12.2009  | Copy of the Registered Sale Deed                                 |
| Ex.C4       | 02.02.2011  | Copy of the Registered Sale Deed                                 |
| Ex.C5       | 21.09.2016  | Certified copy of the Information under Right to information Act |

|       |            |                                                                |
|-------|------------|----------------------------------------------------------------|
| Ex.C6 | 09.07.2021 | Copy of the Order passed in LAOP No. 15 of 2017 by this Court. |
|-------|------------|----------------------------------------------------------------|

### **3. Respondent Side Witnesses:-**

RW1— B. Sarala

### **4. Respondent Side Exhibits:-**

| <b>S.No</b> | <b>Date</b> | <b>List of Documents</b>                                                                    |
|-------------|-------------|---------------------------------------------------------------------------------------------|
| Ex.R1       | 28.04.2010  | Tamil Newspaper Dinakaran (Xerox Copy)                                                      |
| Ex.R2       | 28.04.2010  | English Newspaper Deccan Chronicle (Xerox Copy)                                             |
| Ex.R3       | 29.04.2010  | Newspaper Published Locality                                                                |
| Ex.R4       | 09.08.2010  | G.O. 258 Highways and Minor Ports Department (Xerox Copy)                                   |
| Ex.R5       | 09.08.2010  | Gazatte No.242 Part – II Section Notificate (Xerox Copy)                                    |
| Ex.R6       | 29.12.2009  | Data Sale Deed Document (Xerox Copy)                                                        |
| Ex.R7       | 14.03.2011  | Proceedings of the Principal Secretary and Commissioner of Land Administration (Xerox Copy) |
| Ex.R8       | 15.07.2011  | Award No.1/2011                                                                             |

**V Assistant Judge,  
(FAC) VI Assistant Court  
City Civil Court,**