

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 779 OF 2012

CHIDAMBARAM

Appellant(s)

VERSUS

SPL.TAHSILDAR LAND ACQUISITION & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. The dispute is with regard to the fixation of land value in respect of the land acquired from the appellant by Award No. 1 of 1994 of the Land Acquisition Collector, Erode, Tamil Nadu.

2. The High Court, following the decision in A.S.No. 759-764 of 1999 decided on 02.03.2009, fixed the land value at the rate of Rs. 8 per sq. foot. That Judgment was challenged before this Court leading to the Judgment dated 01.08.2011 titled as "*Valliyammal and Another Vs. Special Tahsildar (Land Acquisition) and Another*" and that decision is reported in (2011) 8 SCC 91.

3. We find from paragraph 8 of the Judgment that all those lands covered by the Notification dated 15.04.1991, 27.05.1991 and 22.05.1991 have been

granted land value at the rate of Rs. 8 per sq. foot by the High Court. Appellant's land was acquired pursuant to Notification dated 22.05.1991.

4. This Court, at paragraph 26 of the Judgment aforementioned, fixed the land value in respect of the Notifications dated 15.04.1991, 16.04.1991 and 27.05.1991 as under :-

"26 (ii) For the acquisitions made by the Notifications issued on 15-4-1991, 16-4-1991 and 27-5-1991, the base document will be sale deed dated 8-2-1991 vide which land was sold at the rate of Rs. 30 per square foot. One-third of Rs. 30 is equal to Rs. 10 per square foot. After deducting Rs. 10 from Rs. 30, market value will be Rs. 20 per square foot."

5. Since the appellant's land has been treated similar to the Notifications dated 27.05.1991 and 15.04.1991, where the land value has been fixed at the rate of Rs. 8 per sq. foot, we allow this appeal, holding that the appellant shall also be entitled to the same treatment as per the order extracted above of this Court in Valliyammal's case (supra) i.e. the land value being fixed at the rate of Rs. 20 per sq. ft.

6. The appellant shall also be entitled to the statutory benefits. The benefits, as above, shall be computed by the respondents and deposited before the Executing Court within a period of two months from the date of production of this Judgment by the appellant before the District Collector.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
February 17, 2016.



JUDGMENT