

CASE NO.:
Appeal (civil) 8483-8484 of 1995

PETITIONER:
R. SUNDARSEKAR AND OTHER

Vs.

RESPONDENT:
THE SPL. TEHSILDAR (LA)

DATE OF JUDGMENT: 06/02/2002

BENCH:
V.N. Khare & Ashok Bhan

JUDGMENT:

(with CA Nos. 8485-8487/95, 8489-8491/1995 & 8492/1995)

O R D E R

This group of appeals raises common question of facts and law. We, therefore, proceed to decide these appeals by a common judgment by noticing facts which have given rise to Civil Appeal Nos. 8483-8484/1995. In the said appeals, Notification under Section 4 of the Land Acquisition Act (hereinafter referred to as 'the Act') was issued on 7.2.1973 which was followed by declaration under Section 6 of the Act. Subsequently, the Land Acquisition Officer, on 10.8.1977, gave an award. The compensation offered to the appellants was 1,07,437/- + 15% solatium. The claimants were not satisfied with the amount offered to them, therefore, they sought reference before the Civil Court. The reference Court enhanced the compensation to Rs. 8,19,000/- + 15 % solatium + 4% interest. Aggrieved, the State of Tamil Nadu filed Regular First Appeals before the High Court. The High Court on the basis of the evidence led before the Reference Court came to the conclusion that the claimants were entitled to compensation only to the extent of Rs. 1,34,742.50 + 30% solatium and interest. Aggrieved, the claimants have come up before this Court by way of separate special leave petitions.

Learned counsel appearing for the appellants urged that the compensation awarded to the claimants in respect of the coconut and mango trees standing on the acquired land were not adequate and, therefore, compensation is liable to be enhanced. Before the Reference Court, the State filed reports of Shri S. Murugesan, and Shri J. S. Sunderrajan, Joint Director of Agriculture in respect of the value of the crop of coconut and mango each year from the trees standing on the land which was acquired. The said reports of Shri S. Murugesan and Shri J.S. Sunderrajan were proved by Thiru Seetharaman, RW-1. The claimants examined Shri VN Madhava Rao, Professor and Head of the Department of Horticulture, Tamilnadu Agricultural University, Coimbatore. The claimants' said witness substantially agreed with the reports of Shri S. Murugesan and Shri J.S. Sunderrajan. In view of the said reports, the High Court reduced the compensation. However, in concluding part of the judgment, the High Court stated that after all an estimate is an estimate for all practical purposes and it cannot be accurate, and considering the fact that there may be some fluctuations in the matter of estimating the yields from the trees and the value thereof, the claimants are entitled to 25% increase in the value over and above the said report. In view of the aforesaid facts and circumstances,

and also the fact that the State's own witness stated that groves and orchards owned by the claimants are the finest in the State of Tamil Nadu, we feel that the appellants are entitled to further 10% of the compensation awarded towards coconut and mango trees by the High Court.

With this modification of the judgment under challenge, we affirm the judgment of the High Court. The appeals are decided in the aforesaid terms. There shall be no order as to costs.

..J.
(V. N. Khare)

..J.
(Ashok Bhan)

February 06, 2002

JUDIS