

LAND ACQUISITION ACT

APPEALS BOARD

AB 1999.139

In the Matter of the Acquisition of Land at
Lot 146-21 of Mukim 2
Block 70 Dawson #01-130

Between

Malarvizhi d/o Krishnan (Mrs Malarvizhi Kumar)
... Appellant

And

Collector of Land Revenue
... Respondent

DECISION

The decision of this Board is:

(1) That the award of the Collector of Land Revenue of compensation in an amount of \$253 000 in respect of the land at Lot 146-21 of Mukim 2 be increased to \$305 000;

And

(2) That the Collector of Land Revenue pay to the Appellant the balance of the award together with interest at 6% per annum from the date when he took possession of the acquired land down to the date of payment;

And

(3) That the deposit paid by the Appellant be paid out to the Appellant;

And

(4) That there be no order as to costs.

BRIEF STATEMENT OF REASONS

The reasons for the Decision/Order are:

(1) The acquired land comprises 72.4sm of land at Lot 146-21 of Mukim 2 together with a 2 storey terrace house on it known as Block 70 Dawson Road #01-130 of which the Appellant was at the time the award was made the proprietor for the residue of the term of 99 years which would have expired on 31 October 2055.

(2) At the inquiry held under s 10 the Appellant claimed \$525 000 for the acquired land. On 18 June 1999 the Collector of Land Revenue made an award of \$253 000 as the compensation which in his opinion should be allowed for the acquired land.

(3) The Appellant appeals against the award on the ground that it is inadequate. In the petition of appeal the Appellant claims compensation of \$430 500.

(4) Section 33 of the Land Acquisition Act provides:

(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall ... take into consideration the following matters and no others:

(a) the market value -

(i) ...

(C) as at 1st January 1995 in respect of land acquired on or after 27th September 1995 ... or

(iii) as at the date of publication of the declaration made under section 5,

whichever is the lowest

(5) The declaration made under s 5 was published on 4 March 1999.

(6) Rachel Ng testifying for the Collector of Land Revenue said in her report dated 17 April 2001 that the market value of the acquired land as at 4 March 1999 was not higher than as at 1 January 1995

(7) Ong Han Boon of OHB Real Estate Consultants & Services Pte Ltd testifying for the appellant in AB 111/99 said that the market value of Lot 146-51 of Mukim 2 at Block 120 Margaret Drive #01-830 ("Lot 146-51") (which is comparable with the acquired land) as at 4 March 1999 was \$500 000. He relied on the following sale transactions:

	<i>Property</i>	<i>Site Area</i>	<i>Price</i>	<i>Contract Date</i>
1	Bl 41 Stirling Rd #01-514	122.5sm	\$500 000	1 Oct 98
2	Bl 46 Stirling Rd #01-524	130.7sm	\$420 000	19 Jan 99

3	BI 41 Stirling Rd #01-508	119.6sm	\$505 000	2 Jan 99
4	BI 46 Stirling Rd #01-518	130.7sm	\$500 000	7 Jun 99

He derived an average site area rate of \$3 992/sm and made a net adjustment of -2.85% for differences between Lot 146-51 and the properties at Stirling Road. He applied the adjusted site area rate of \$3 878.23/sm to the site area of 129.1sm of Lot 146-51 to derive its market value which he rounded down to \$500 000. In the view of this Board the site area rate would have to be further adjusted upwards for the difference in the site area if it is to be applied to the site area of the acquired land.

(9) Rachel Ng said in her report that the market value of the acquired land as at 4 March 1999 was \$253 000. She relied on the following sale transactions:

	<i>Property</i>	<i>Land Area</i>	<i>Price</i>	<i>Contract Date</i>
1	BI 70 Dawson Rd #01-126	71.8sm	\$400 000 \$5 571/sm	20 Dec 96
2	BI 70 Dawson Rd #01-130	72.4sm	\$395 600 \$5 464/sm	2 Feb 96
3	BI 74 Dawson Rd #01-44	65.1sm	\$300 000 \$4 608/sm	12 Feb 96
4	BI 70 Dawson Rd #01-128	72.1sm	\$380 000 \$5 270/sm	24 Jan 95

(10) Testifying for the Collector of Land Revenue in AB 1999.111 Rachel Ng said that she identified sale transactions in respect of freehold terrace houses in the MacPherson area to compare market values between March 1995 and 4 March 1999. She found that market values fell 36% in that period.

(11) There were no sale transactions in respect of comparable properties in Dawson Road or Margaret Drive in 1999 or at any time after 1996.

(12) The Stirling Road properties are held under HDB leases for which facilities for financing on favourable terms are available from HDB and CPF funds may be applied in the purchase while the acquired land is held under a Crown lease with less than 60 years to run as at 4 March 1999 and such facilities are not available. This is a substantial difference and there was no material before this Board on the basis of which to estimate the adjustment that would have to be made to deduce the market value of the acquired land from transactions in respect of the Stirling Road properties.

(13) On the evidence adduced this Board finds that between January 1995 and 4 March 1999 there was a sharp fall in the market value of terrace houses other than those held under HDB leases although this fall was partly compensated for by the rise in the market value of terrace houses in Stirling Road and further finds that the market value of the acquired land as at 4 March 1999 was \$305 000. This Board further finds that this is lower than the market value as at 1 January 1995 and will take into consideration the market value as at 4 March 1999.

(14) The Appellant succeeds in this appeal but as her claim exceeds the amount awarded by this Board by more than 20% she is not entitled to her costs under s 32(4).

Dated 2001 April 28

Commissioner of Appeals T Q Lim
Assessor Yap Neng Chew
Assessor Teo Pin