DALAM MAHKAMAH TINGGI MALAYA DI TEMERLOH
DALAM NEGERI PAHANG DARUL MAKMUR
RUJUKAN TANAH NO: CB-15-13-10/2019

ANTARA

1. BLUE VALLEY PLANTATION BHD.
2. PYLON RANGE SDN. BHD. **... PEMOHON-PEMOHON**

DAN

PENTADBIR TANAH DAN DAERAH
CAMERON HIGHLANDS **... RESPONDEN**

PENGHAKIMAN

[1] Ini adalah Perujukan Tanah yang dikemukakan oleh Pemohon-Pemohon di bawah seksyen 38(5) Akta Pengambilan Tanah 1960 melalui Borang 'O'.

[2] Permohonan Perujukan Tanah ini dibuat oleh Blue Valley Plantation Bhd. dan Pylon Range Sdn. Bhd. atas alasan jumlah wang pampasan tidak memadai serta wang pampasan ini hendaklah dibayar kepada Blue Valley Plantation Bhd. kerana mereka adalah pemilik tanah dan satu-satunya pihak yang berkepentingan.

[3] Sementara Pylon Range Sdn. Bhd. merujuk kes ini ke Mahkamah disebabkan pampasan yang diberikan adalah rendah dan Pylon Range Sdn. Bhd. diberikan pampasan disebabkan mereka adalah pemilik tungggal saham dan aset di dalam Blue Valley Plantation Bhd. Butiran rujukan pihak-pihak tersebut dapat dilihat dalam Borang "N" yang difailkan oleh kedua-dua pihak.

Fakta Kes

[4] Pampasan Tanah ini melibatkan tanah hakmilik HD 3541, Mukim Ulu Telom, Daerah Cameron Highlands, Pahang. Tujuan pengambilan tanah ialah untuk Tapak Pencawang Masuk Utama 132 kv Blue Valley di atas sebahagian tanah HSD 3541 PT 2175, Mukim Ulu Telom, Daerah Cameron Highlands, Pahang.

[5] Perbicaraan oleh Pentadbir Tanah Cameron Highlands telah dijalankan kali pertama pada 20.12.2018 dengan kehadiran Tuan Tanah Blue Valley Plantation Bhd., pemegang kaveat dan peguam bagi pihak berkepentingan (Pylon Range Sdn. Bhd.). Perbicaraan tersebut ditangguhkan kepada 11.02.2019 dan ditangguhkan kepada 28.02.2019.

[6] Pentadbir Tanah Cameron Highlands telah memutuskan bahawa nilaian harga pasaran yang dikatakan munasabah bagi hartanah ini ialah RM594,000.00 per hektar. (Rujuk halaman 18) Lampiran 1.

[7] Pentadbir Tanah Cameron Highlands telah memutuskan bayaran kepada Blue Valley Plantation Berhad RM3,062,911.40, Lembaga Hasil Dalam Negeri RM477,662.00 dan Pentadbir Tanah Cameron Highlands RM23,426.00 untuk tunggakan cukai tanah. Tiada dinyatakan Pylon Range Sdn. Bhd. orang-orang yang berkepentingan oleh Pentadbir Tanah Cameron Highlands.

[8] Namun demikian Pentadbir Tanah Cameron Highlands telah memerintahkan pampasan tuan tanah didepositkan ke Mahkamah kerana terdapat pertikaian daripada Pylon Range Sdn. Bhd. sebagai pemegang kaveat persendirian.

[9] Pentadbir Tanah Cameron Highlands telah mengawardkan jumlah pampasan di atas adalah berasaskan:

(i) Tarikh milikan pada tarikh warta iaitu 19hb Julai 2018.

(ii) Tanah berjadual adalah berpegangan kekal.

(iii) Asas milikan tanah berjadual sebagai tanah kosong dengan kategori tiada berjadual.

(iv) Keluasan tanah yang besar iaitu 54.129 hektar sebagaimana dalam hakmilik.

(v) Tanah dinilai sebagai bebas daripada sekatan Rezab Melayu selaras dengan perenggan 1(2A) Jadual Pertama Akta Pengambilan Tanah 1960.

(vi) Kedudukan tanah berjadual dari jalan masuk.

Hujahan Pemohon Pertama Dan Kedua Berkenaan Dengan Jumlah Pampasan

[10] Pemohon Pertama menyatakan bahawa Pentadbir Tanah Cameron Highlands telah gagal mengambil kira perbandingan dengan urus niaga yang telah berlaku di tanah yang berhampiran iaitu Lot PT 3114. Jika ini dilakukan kadar pampasan yang wajar diberikan adalah lebih tinggi dan setanding dengan harga urus niaga Lot PT 3114 tersebut. Di samping itu, kesan mudarat *(injurious infections*) tidak diambilkira oleh Pentadbir Tanah berdasarkan kepada kedudukan tanah ini yang berada di kawasan pelancongan di Cameron Highlands dan wujudnya kawasan perangingan dan hotel-hotel. Ia menjadikannya bukan satu kawasan pedalaman.

[11] Pentadbir Tanah Cameron Highlands dikatakan tidak membuat perbandingan dengan penjualan tanah-tanah di kawasan sekitar iaitu di PT 2175, PT18 HS(D)147, PT 3114 HS(D) 4615 dan Lot 101 GRN 5595 Ulu Telom, Cameron Highlands.

[12] Pentadbir Tanah juga telah gagal mengambil kira kesan mudarat ekoran daripada perentasan talian rentas elektrik oleh Tenaga Nasional Berhad.

[13] Pemohon Pertama mencadangkan bahawa penilaian harga pasaran untuk tanah ini adalah RM22,602.00 dan RM20,552,431.00 untuk kesan kecederaan dan kacau ganggu. Pemohon Pertama juga berhujah bahawa pemberian pampasan itu perlu dibayar kepada

beliau. Ini disebabkan Pemohon Kedua tidak mempunyai hak di sisi undang-undang untuk menerima pampasan tersebut.

[14] Pemohon Kedua berhujah berkenaan award pampasan ini menyatakan bahawa tanah ini telah diwartakan melalui warta negeri No. 2769 bertarikh 19.12.2019 oleh pihak berkuasa negeri sebagai zon pembangunan bercampur mengikut Rancangan Tempatan Daerah Cameron Highlands 2030 (Penggantian). Ia sepatutnya menjadi rujukan Pentadbir Tanah di dalam menilai pampasan yang tidak dilakukan oleh Pentadbir Tanah di dalam kes ini.

[15] Pemohon Kedua turut menegaskan bahawa beliau adalah pihak berkepentingan untuk menerima award pampasan tanah ini. Ini adalah disebabkan Pemohon Kedua adalah pemilik tunggal Syarikat Pemohon Pertama sehingga ianya telah dimanipulasikan oleh seorang Sunmugam sehingga menyebabkan Pemohon Kedua hilang perwakilan dalam syarikat Pemohon Pertama. Di samping itu Pemohon Kedua telah hadir di dalam prosiding pendengaran pampasan tanah. Ini jelas menunjukkan kehadiran Pemohon Kedua adalah mewakili kepentingan beliau terhadap harta tanah ini.

Analisa Dan Dapatan Mahkamah

[16] Adalah menjadi prinsip undang-undang yang mantap bahawa di dalam sesuatu prosiding pengambilan tanah perkara-perkara yang dinyatakan di dalam Jadual Pertama Akta Pengambilan Tanah 1960 perlu diambil kira. Jadual Pertama adalah seperti berikut:

PRINCIPLES RELATING TO THE DETERMINATION OF COMPENSATION

1. Market value

(1) For the purposes of this Act the term "market value" where applied to any scheduled land shall mean the market value of such land-

(a) at the date of publication in the Gazette of the notification under section 4, provided that such notification shall within twelve months from the date thereof be followed by a declaration under section 8 in respect of all or some part of the land in the locality specified; or

(b) in other cases, at the date of the publication in the Gazette of the declaration made under section 8.

(1A) In assessing the market value of any scheduled land, the valuer may use any suitable method of valuation to arrive at the market value provided that regard may be had to the prices paid for the recent sales of lands with similar characteristics as the scheduled land which are situated within the vicinity of the scheduled land and with particular consideration being given to the last transaction on the scheduled land within two years from the date with reference to which the scheduled land is to be assessed under subparagraph (1).

(1B) Where only a part of the land is to be acquired, the market value of the scheduled land shall be determined by reference to the whole land as shown in the document of title of the scheduled land and after having regard to the particular features of that part.

(1C) In assessing the market value of any scheduled land, regard shall not be had to the evidence of any sales transactions effected after the date with reference to which the scheduled land is to be assessed under subparagraph (1).

(1D) Where the scheduled land to be acquired is held under a title for a period of years, in assessing the market value, regard may be had to the date of expiry of the lease as shown in the document of title, but regard shall not be had to the likelihood of a subsequent alienation to the person or body who is the proprietor thereof immediately before the expiry of the lease.

(2) In assessing the market value-

(a) the effect of any express or implied condition of title restricting the use to which the scheduled land may be put; and

(b) the effect of any prohibition, restriction or requirement imposed by or under the Antiquities Act 1976 [Act 168] in relation to any

ancient monument or historical site within the meaning of that Act on the scheduled land,

shall be taken into account.

(2A) In assessing the market value of any scheduled land which is Malay reservation land under any written law relating to Malay reservations, or a Malay holding under the Malay Reservations Enactment of Terengganu [Terengganu En. No. 17 of 1360 (A.H)], or customary land in the State of Negeri Sembilan or the State of Malacca, the fact that it is such Malay reservation land, a Malay holding, or customary land shall not be taken into account except where the scheduled land is to be devoted, after the acquisition, solely to a purpose for the benefit of persons who are eligible to hold *the land under such written law.*

(2B) (Deleted by Act A999:s.33)

(2BA) In assessing the market value of any scheduled land, where the information provided by the State Director of Town and Country Planning or the Commissioner of the City of Kuala Lumpur, as the case may be, under section 9A indicates that the scheduled land is within a local planning authority area, then the land shall be assessed by having regard to the specific land use for that land as indicated in the development plan.

(2C) In assessing the market value of any scheduled land which but for the acquisition would continue to be devoted to a purpose of such a nature that there is no general demand or market for that purpose, the assessment shall be made on the basis of the reasonable cost to the proprietor of the scheduled land of using or purchasing other land and devoting it to the same purpose to which the scheduled land is devoted, if the Land Administrator is satisfied that this is bona fide intended by the proprietor of the scheduled land.

(2D) In assessing the market value of any scheduled land which is an estate land, or forms part of an estate land, the market value of such land shall be determined taking into consideration section 214A of the National Land Code.

(3) If the market value of any scheduled land has been increased, or is currently increased, in either of the following ways, such increase shall be disregarded:

(a) an increase by means of any improvement made by the owner or his predecessor in interest within two years before the declaration under section 8 was published in the Gazette, unless it be proved that such improvement was made bona fide and not in contemplation of proceedings for the acquisition of the land;

(b) an increase by reason of the use of the land, or of any premises thereon, in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to the public health.

(c) (Deleted by Act A388).

(3A) The value of any building on any land to be acquired shall be disregarded if that building is not permitted by virtue of-

(a) the category of land use; or

(b) an express or implied condition or restriction,

to which the land is subject or deemed to be subject under the State land law.

(4) - (5) (Deleted by Act A388).

2. Matters to be considered in determining compensation

In determining the amount of compensation to be awarded for any scheduled land acquired under this Act there shall be taken into consideration the following matters and no others:

(a) the market value as determined in accordance with section 1 of this Schedule;

(b) any increase, which shall be deducted from the total compensation, in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

(c) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Land Administrator's taking possession of the land by reason of severing such land from his other land;

(d) the damage, if any, sustained or likely to be sustained by the person interested at the time of the Land Administrator's taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;

(e) if, in consequence of the acquisition, he is or will be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

(f) where only part of the land is to be acquired, any undertaking by the State Authority or by the Government, person or corporation on whose behalf the land is to be acquired, for the construction or

erection of roads, drains, walls, fences or other facilities benefiting any part of the land left unacquired, provided that the undertaking is clear and enforceable.

3. Matters to be neglected in determining compensation

In determining the amount of compensation to be awarded for any scheduled land acquired under this Act the following matters shall not be taken into consideration:

(a) the degree of urgency which has led to the acquisition;

(b) any disinclination of the person interested to part with the land acquired;

(c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;

(d) any depreciation in the value of the land acquired likely to result from the use to which it will be put when acquired;

(e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

(f) any outlay on additions or improvements to the land acquired, which was incurred after the date of the publication of the declaration under section 8, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair and unless, in the case of agricultural land, it is any money which has been expended for the continuing cultivation of crops on it.

(g) - (h) (Deleted by Act A388).

4. Limitation on award

Where at any inquiry made by the Land Administrator under section 12, or in any statement in writing required by the Land Administrator under subsection 11(2), any person interested has:

(a) made a valuation of or claimed compensation for any land or any interest therein, such person shall not at any time be awarded any amount in excess of the amount stated or claimed;

(b) refused, or has omitted without sufficient reason to be allowed by a Judge, to make a claim to compensation, such person shall not at any time be awarded any amount in excess of the amount awarded by the Land Administrator.

[17] Mahkamah Persekutuan di dalam **kes Ng Tiou Hong v. Collector of Tanah Revenue Gombak** (1984) 2 MLJ 35 telah menyatakan:

> *Under the Act there is no provision relating to the method of valuation. However the Courts have adopted the principle of valuing the scheduled land as a whole especially in cases where the area is large and owned by numerous individual owners in different portions. In Chuah Say Hai & Ors v Collector of Land Revenue, Kuala Lumpur [1967] 2 MLJ 99 Gill J.'s ruling in that case was later re-affirmed by their Lordships of the Privy Council in Collector of Land Revenue v Alagappa Chettiar [1971] 1 MLJ 43 46 which held that under the Land Acquisition Act, 1960 the scheduled lands are to be valued as a whole. The learned judge in that case valued the whole of the 23 acres as a single unit even though the totality of the land acquired were held by the applicants in seven separate titles for areas varying between approximately 11 acres and just under half-acre. He was right in law in doing so.*
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> *In contrast is the Indian case of the Collector v Ramchandra Harischandra AIR 1926 Bomb 44. The judge in that case adopted a similar method as done in the present case. On appeal he was overruled on the ground that it was impossible to divide the whole of approximately 13 acres of land into separate portions and give one value to so much of the frontage land and divide again the interior land into separate portions and value them again at different rates. Of course, in the present case the learned judge did not adopt the latter part since he did not sub-divide the interior part of the scheduled land into separate portions but only took the remainder as a whole and assessed lesser value than the north west portion.* ***The real test by which the market value can be arrived at is to gather from the other sales what the whole land would be likely to realise in the market about the time of acquisition****. It is clear therefore that the learned judge erred in failing to apply the correct principle as a basis in determining the market value of the scheduled land.*
>
> *There are of course other principles that have to be applied according to the facts and circumstances of a particular case along the lines provided by the First Schedule to the Act and as decided from time to time by the courts. We consider the following as the main principles: —*
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> *First, market value means the compensation that must be determined by reference to the price which a willing vendor might reasonably expect to obtain from a willing purchaser. The elements of unwillingness or sentimental value on the part of the vendor to part*

with the land and the urgent necessity of the purchaser to buy have to be disregarded and cannot be made a basis for increasing the market value. It must be treated on the willingness of both the vendor to sell and the purchaser to buy at the market price without any element of compulsion. Secondly, the market price can be measured by a consideration of the prices of sales of similar lands in the neighborhood or locality and of similar quality and positions. Thirdly, its potentialities must be taken into account. The nature of the land and the use to which it is being put at the time of acquisition have to be taken into account together with the likelihood to which it is reasonably capable of being put to use in the future e.g. the possibility of it being used for building or other developments. Fourthly, in considering the nature of the land regard must be given as to whether its locality is within or near a developed area, its distance to or from a town, availability of access road to and within it or presence of a road reserve indicating a likelihood of access to be constructed in the near future, expenses that would likely be incurred in levelling the surface and the like. Fifthly, estimates of value by experts are undoubtedly some evidence but too much weight should not be given unless it is supported by, or coincides with, other evidence. [Superintendent of Lands and Surveys, Sarawak v Aik Hoe & Co Ltd [1966] 1 MLJ 243, Vyricherla Narayana Gajapatiraju v The Revenue Divisional Officer, Vizagapatam [1939] AC 302 312, and Nanyang Manufacturing Co v Collector of Land Revenue Johore [1954] MLJ 69].

[18] Bagi memperolehi nilai pasaran kepada tanah tersebut maka perbandingan harga urus niaga tanah-tanah yang berhampiran yang dilakukan sektar masa pengambilan tanah tersebut. Namun perenggan 1 Jadual Pertama tidak dikehendaki untuk dipatuhi secara ketat. Ini dinyatakan oleh Mahkamah Persekutuan di dalam Kes **Amitabha Guha & Anor v. Pentadbir Tanah Daerah Hulu Langat** (2021) 3 CLJ 1 seperti berikut:

[47] *In the light of the ruling of this court in Semenyih Jaya (supra), the market value rule in para 1 of the First Schedule must not be construed strictly. As such, acquisition comparables may also be considered in assessing market value provided that regard be had to sale comparables transacted within the last two years of the date of the publication of (i) a preliminary notice of likely acquisition under s. 4 in Form A; and or (ii) a declaration of intended acquisition under s. 8 in Form D, as the case may be.*

Perbandingan Harga Urus Niaga Tanah-tanah Yang Berhampiran

[19] Mahkamah berpendapat perbandingan Lot PT 3114 yang telah dipindahmilik pada 06.03.2014 dengan harga RM4,573,800.00 atau RM2,613,600.00. Tanah yang dinyatakan itu adalah seluas 1.7460 hektar. Ia adalah berpegangan kekal dan berkategori pertanian. Perbandingan di antara PT 3114 dan tanah ini adalah tidak bersesuaian. Ini adalah disebabkan keluasan tanah ini adalah lebih besar daripada PT 3114. Ini adalah disebabkan tanah bersaiz kecil mempunyai nilai lebih berbanding tanah bersaiz besar seperti yang dinyatakan oleh para pengapit.

[20] Selain daripada itu, perbandingan tersebut tidak sesuai kerana mempunyai perancangan pembangunan bercampur. Ianya tidak sesuai untuk harta tanah ini (yang menjadi pertikaian dalam kes ini) disebabkan harta tanah ini mempunyai tanah infrastruktur dan utiliti.

[21] Oleh yang demikian, harga urus niaga harta tanah tersebut tidak boleh dijadikan perbandingan mutlak bagi menentukan harga pasaran harta tanah di dalam kes ini.

[22] Sementara itu, berkenaan dengan kedudukan tanah ini yang dikatakan terletak di dalam zon award tanah infrastruktur dan utiliti berdasarkan Draf Rancangan Tempatan Daerah Cameron Highlands (Penggantian) 2030. Mahkamah dalam konteks ini merujuk kepada seksyen 9A Akta Pengambilan Tanah 1960 yang menyatakan seperti berikut:

Section 9A - Land Administrator to obtain information on land use of scheduled land, etc.

(1) For the purposes of assessing the amount of compensation under the First Schedule, the Land Administrator shall request from the State Director of Town and Country Planning or from any local planning authority, information on the following matters:

(a) whether the scheduled land is within a local planning authority area;

(b) whether the scheduled land is subject to any development plan under the law applicable to it relating to town and country planning; and

(c) if there is a development plan, the land use indicated in the development plan for the scheduled land.

(2) The State Director of Town and Country Planning or the local planning authority, upon receiving the request for information under subsection (1) shall provide the information required within two weeks from the request being made by the Land Administrator.

(3) (Deleted by Act A1517:s.9)

(4) (Deleted by Act A1517:s.9)

(5) The information obtained by the Land Administrator under this section shall be conclusive evidence, for the purpose of valuing the scheduled land, with regard to the land use at the date of the acquisition and shall not be used for any purpose other than for the purposes of this Act.

(5A) The information obtained under subsection (5) shall be disregarded if the acquisition is made under section 37 of the Town and Country Planning Act 1976.

(6) Non-compliance with the time period stipulated in subsections (2) shall not invalidate the acquisition or the award.

(7) Paragraph 1(b) and (c), subsections (2), (5) and (6) shall apply in respect of the Federal Territory of Kuala Lumpur except that for references to the State Director of Town and Country Planning there shall be substituted references to the Commissioner of the City of Kuala Lumpur.

[23] Ini bermakna bagi menentukan kesahihan kedudukan penggunaan tanah bagi anggaran amaun pampasan pengesahan dari Pengarah Perancangan Bandar dan Desa Negeri adalah konklusif seperti dinyatakan di bawah seksyen 9A(5) Akta Pengambilan Tanah 1960. Hasil maklumat dari Jabatan Perancangan Bandar dan Desa Negeri Pahang Darul Makmur bertarikh 11.12.2019 kepada Jabatan Penilaian dan Perkhidmatan Harta Kuantan seperti di halaman 1B Pendapat Pengapit (Laporan Lanjutan) menyatakan ia terletak di dalam zon struktur infrastruktur dan utiliti.

[24] Oleh yang demikian, mahkamah ini tidak dapat bersetuju bahawa tanah ini telah termasuk di dalam Zon Pembangunan Bercampur tidak boleh dijadikan asas dalam pemberian pampasan tanah.

[25] Seterusnya mahkamah juga mendapat isu berkenaan kesan mudarat (*injurious infection*) mahkamah mendapati tiada keterangan yang dikemukakan semasa pendengaran pengambilan tanah oleh Pentadbir Tanah telah dibuktikan terdapat kesan mudarat tersebut. Mahkamah bersetuju dengan hujahan Responden bahawa setakat ini apa yang ada ialah cadangan pengambilan tanah tersebut namun masih belum dilaksanakan. Oleh itu kesan kecederaan dan kacau ganggu ialah sesuatu yang mungkin akan berlaku atau sebaliknya. Mahkamah tidak wajar mempertimbangkan amaun pampasan tanah di bawah Butiran 2 Jadual 1 berasaskan kepada sesuatu pelan cadangan yang belum diluluskan.

[26] Setelah meneliti affidavit-affidavit, nota prosiding dan laporan-laporan penilaian oleh pihak-pihak mahkamah memutuskan amaun pampasan yang diberikan adalah sebanyak RM670,000.00 sehektar dan jumlah keseluruhannya RM4,020,000.00 iaitu penambahan sebanyak RM456,000.00 daripada award yang diberikan oleh Pentadbir Tanah dan Daerah Cameron Highlands.

Adakah Pemohon Kedua Orang Berkepentingan Yang Layak Diberikan Bayaran Pampasan Pengambilan Tanah Ini

[27] Selanjutnya, mahkamah berpendapat keputusan Pentadbir Tanah yang mengawardkan pampasan kepada Pemohon Pertama sebagai pihak yang berkepentingan dan bukannya kepada Pemohon Kedua adalah dikekalkan. Ini adalah disebabkan dokumen-dokumen yang ada menunjukkan bahawa pemilik berdaftar tanah ini semasa prosiding ini adalah merujuk kepada Pemohon Pertama. Fakta bahawa Pemohon Kedua telah memfailkan kaveat persendirian tidak mengubah hakikat bahawa rekod menunjukkan bahawa pemilik berdaftar adalah Pemohon Kedua.

[28] Pada masa yang sama Mahkamah tidak terlepas pandang peruntukan di bawah seksyen 36 (1) Akta Pengambilan Tanah 1960 seperti berikut:

> *"(1) No reference to Court under this Act shall be made otherwise than by the Land Administrator.*
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> *(2) The Land Administrator may, at any time of his own motion by application in Form M refer to the Court for its determination any question as to-*
>
> *(a) the true construction or validity or effect of any instrument;*

(b) the person entitled to a right or interest in land;

(c) the extent or nature of such right or interest;

(d) the apportionment of compensation for such right or interest;

(e) the persons to whom such compensation is payable;

(f) the costs of any enquiry under this Act and the persons by whom such costs shall be borne.

(3) Without prejudice to the powers of the Court under this Part, the costs of any reference under subsection (2) shall be borne by such person as the Court may direct or, in the absence of such direction, by the Land Administrator.

(4) After an award has been made under section 14 or compensation made under section 35 or Part VII the Land Administrator shall refer to the Court for determination any objection to such award or compensation duly made in accordance with this Part."

[29] Pada masa yang sama Mahkamah juga peka kepada takrifan pihak yang berkepentingan di bawah seksyen 2 Akta Pengambilan Tanah 1960 yang menyatakan seperti berikut:

"person interested" includes every person claiming an interest in compensation to be made on account of the acquisition of land under this Act, but does not include a tenant at will"

Ia memberikan Mahkamah yang mendengar perujukan tanah memutuskan pihak yang berhak dan kepada siapakah pampasan itu perlu dibayar seperti dinyatakan di bawah seksyen 36(2) (b), (c), (d) dan (e) Akta Pengambilan Tanah 1960.

[30] Namun demikian, setelah meneliti keterangan yang ada setakat ini di hadapan Pentadbir Tanah Cameron Highlands dan di mahkamah ini serta setelah meneliti hujahan bernas dari peguam

Responden Kedua yang bijaksana, mahkamah berpendapat tiada alasan untuk Pemohon Kedua diberikan pampasan pengambilan tanah ini.

Bertarikh: 22 Julai 2021

(ROSLAN BIN MAT NOR)
PESURUHJAYA KEHAKIMAN
MAHKAMAH TINGGI MALAYA
TEMERLOH, PAHANG

PIHAK- PIHAK:

Bagi Pihak Pemohon-Pemohon
V. Manokaran bersama N. Yohendra
Tetuan Yohendra Nadarajan
Petaling Jaya, Selangor Darul Ehsan

Bagi Pihak Responden-Responden
Munirah Shamsuddin
Pejabat Penasihat Undang-Undang
Negeri Pahang