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C.A.No. 106-107 OF 1999
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 106-107 OF 1999

THE LAND ACQ. OFFICER & REV. DIV. OFFICER... APPELLANT

VERSUS

DARAPANENI VENKATESWARLU & ANR.... RESPONDENTS

WITH C.A.No.108/1999

O R D E R

An area of 8 acres 75 cents of land situated in Guntur town near Sanjeevayyanagar was acquired under common Award No.2/1984 dated 5.2.1984 pursuant to the notification dated 3.3.1982 issued under Section 4(1) of the Land Acquisition Act (for short, 'the Act'). The Revenue Divisional Officer (LA) awarded a compensation @ Rs.20,000/- per acre. The claimants were not satisfied with the amount of compensation awarded. Hence, they sought reference under Section 18 of the Act. The Reference Court, after considering the material that was placed before it, enhanced the compensation to Rs.40/- per square yard. The claimants as well as the State both were not satisfied with the Award made by the Reference Court. Consequently, the claimants filed appeals before the High

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Court seeking enhancement of the compensation. On the other hand, the State filed cross-objections contending that the compensation, as awarded, was in excess. The High Court by the impugned judgment, allowed the appeals filed by the claimants and dismissed the cross-objections filed by the State. The High Court granted compensation @ Rs.75/- per square yard. The State is before us in these appeals questioning the correctness and validity of the impugned judgment of the High Court.

The learned Senior counsel for the appellant-State contended that the High Court was not right and justified in awarding compensation @ Rs.75/- per square yard on the basis of two documents, i.e., Exhibit A-4, sale deed dated 12.11.1981 and Exhibit A-2 judgment of the High Court dated 3.2.1988 rendered in A.S.Nos. 793 and 794 of 1986 relating to the acquisition of land for Railways. The learned counsel submitted that the land in question was not at all comparable to the lands covered by Exhibits A-2 and A-4. The land which is the subject matter of acquisition in these appeals was not at all developed land; it is far away from the land covered by Exhibit A-4. The learned counsel further submitted, at any rate the deduction of 1/4 given by the High Court was not justified; at least there ought to have been a deduction of 1/2.

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In opposition, the learned counsel for the respondents-claimants made submissions supporting t

he impugned judgment. According to him, no fault can be found with the impugned judgment of the High Court, as it is based on the evidence placed on record, particularly, A-2 and A-4. Exhibit A-4 is the registration extract of sale deed dated 12.11.1981 under which an extent of 300 square yards of land was sold @ Rs.100/- per square yard. Exhibit A-2 is the judgment of the High Court dated 3.2.1988 relating to the acquisition of land for Railways pursuant to a 4(1) notification dated 3.3.1981 under the Act and the rate of compensation awarded in that case was Rs.90/- per square yard. The High Court having taken note of the fact that the land sold under Exhibit A-4 was a small area and also taking into consideration that Exhibit A-2, the judgment of the High Court in relation to 4(1) notification dated 13.3.1981, awarded a compensation @ Rs. 75/- giving deduction of 1/4. The 4(1) notification in the present case, as already noticed above, was issued on 3.3.1982. The notification under Section 4(1) was issued on 13.3.1981 in the case covered by Exhibit A-2. As per Exhibit A-2, the market value was determined at Rs.90/- per square yard and the High Court has added Rs.10/- as an escalation taking note of the fact that the acquisition notification under Section 4(1) of the Act in the present case was of 3.3.1982. the High Court gave deduction of 1/4.
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In our view, in the absence of any evidence as to the extent of development of the land in question and taking into consideration the other material placed on record that was considered by the Reference Court, it is just and appropriate to reduce compensation awarded @ Rs.75/- per square yard to Rs.70/- per square yard. Accordingly, the impugned judgment stands modified only as to the rate of enhancement of compensation and it is fixed at Rs.70/- per square yard in stead of Rs.75/- per square yard. In all other respects, the impugned judgment stands undisturbed.

The appeals are disposed of accordingly. No costs.

[SHIVARAJ V. PATIL]

.....J.

New Delhi,
July 27, 2004.

[B.N. SRIKRISHNA]

.....J.

ITEM No.104

Court No.6

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos. 106-107/1999

THE LAND ACQ. OFFICER & REV. DIV. OFFICER

APPELLANT (S)

VERSUS

DARAPANENI VENKATESWARLU & ANR.
(With office report)

RESPONDENT (S)

WITH C.A.NO.108/1999

Date : 27/07/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s) Ms. K. Amareshwari, Sr. Adv.
Mr. Manoj Saxena, Adv.
Mr. Mohan Prasad Meharia, Adv.
Mr. S.K. Mitra, Adv.

For Respondent (s) Mr. Sundervardhan, Sr. Adv.
Mr. P.S. Narasimha, Adv.
Mr. Ananga Bhattacharya, Adv.
for Mr. V.G. Pragasaam, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are disposed of with no costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)