

ITEM NO.3

COURT NO.7

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).15295-15304/2005

(From the judgement and order dated 09/03/2001 in CP 2084/2000 of The HIGH COURT OF KARNATAKA AT BANGALORE) No.2075-

SPECIAL LAND ACQUISITION OFFICER

Petitioner(s)

VERSUS

SRINIVASA RAO & ORS.

Respondent(s)

(With appln(s) for impleadment and vacating stay and permission to place addl. documents on record and c/delay in filing SLP and substitution of Lrs. of the deceased respondent and with prayer for interim relief and office report)
(For final disposal)

Date: 28/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. V.N. Raghupathy, Adv.

For Respondent(s) Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Anand A. Magadum, Adv.
Mr. E.C. Vidya Sagar, Adv.

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

The application for substitution is allowed in terms of the prayer made. The Registry is directed to carry out the necessary amendment in the cause title of the petitions.

These petitions are directed against order dated 09.03.2001 of the Division Bench of the Karnataka High Court whereby the civil petitions filed by the petitioner for recalling

2

order dated 11.8.2000 passed in Miscellaneous First Appeal Nos. 5354-5358, 5360, 5362, 5363, 5365 and 5366 of 2000 filed under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') were dismissed.

The Government of Karnataka acquired land belonging to the respondents for formation of the National Highway. The Land Acquisition Officer fixed market value of the acquired land at the

rate of Rs.1,50,000/- per acre for Khushki land and Rs.2,00,000/- per acre for Bagayat land. The Reference Court, after considering the pleadings of the parties and evaluating the evidence produced by them determined the compensation at the rate of Rs.7,000/- per cent for Khushki land and Rs.9,333/- per cent for Bagayat land.

The petitioner challenged the award of the Reference Court by filing appeals under Section 54 of the Act but the same were withdrawn. Civil Miscellaneous Petitions filed by the petitioner for recalling order dated 11.8.2000 were dismissed by the Division Bench of the High Court by recording the following reasons:

"7. Firstly, it is doubtful whether appeals which are withdrawn voluntarily in pursuance of a Government Order, which is issued deciding to withdraw the appeals after consideration of all the facts and circumstances, can be restored back to the file by seeking review of the said orders. The Allahabad High Court in Ram Lal Sahu v. Dina Nath (AIR 1942 All.253) has held that an appeal which was dismissed at the instance of the appellant himself as withdrawn cannot be restored even if the appellant had acted under a mistake of law. It is possible that fraud and misrepresentation may be grounds for recalling such orders. But the reasons given by the State for withdrawing its order dated 5.8.2000 do not relate to any fraud or misrepresentation by the claimants. First reason given by the State for withdrawing the order dated 5.8.2000

3

is that the claimants had given a representation that they were poor agriculturists and subsequently it was found that they had received some compensation and, therefore, they are not poor. Merely receiving the compensation for land acquired will not make agriculturists, rich agriculturists. Further, 'rich' and 'poor' are relative terms. The second reason given is that the order will have financial implications in other cases. But the earlier Government order dated 5.8.2000 was passed after considering all aspects and the financial implications are always considered while passing such orders.

8. Even on merits, it is doubtful whether any purpose will be served by recalling the order dated 11.8.2000. The Reference Court had disposed of LAC. Nos.75/1993, 76/1993, 77/1993, 79/1993 and 80/1993 by a common judgment dated 15.4.1999 fixing the market value i.e. Rs.7,000/- per cent for khushki land and Rs.9,333/- per cent for bagayat land. The award in LAC No.75/1993 was challenged in MFA No. 5361/99 and was confirmed by judgment dated 24.5.2000. The State challenged the said decision in SLP (Civil) No. 20992/2000 which was also dismissed on 5.1.2001."

We have heard learned counsel for the parties and perused the record.

It is not in dispute that Special Leave Petition(C)

No.20992 of 2000 filed against the judgment of the Division Bench of the Karnataka High Court approving the determination of compensation by the Reference Court in relation to the same acquisition was dismissed by this Court on 05.01.2001.

In view of the above, these petitions are also dismissed.

The petitioner and other concerned authorities are directed to pay the balance amount of compensation together with other statutory benefits to the landowners and/or their legal representatives in the form of Demand Drafts within a period of three months from the date of receipt/production of copy of this order.

4

As a sequel to the dismissal of the special leave petitions, the application for impleadment is dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master