

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

Petition(s) for Special Leave to Appeal (Civil) No.4453-4467/1998
(From the judgement and order dated 28/08/1997 in LAA 294/94
LAA 934/1994, LAA 228/1994, LAA 376/1994, LAA 1021/1994,
LAA 295/1994, LAA 692/1994, LAA 351/1991, LAA 638/1994,
LAA 730/1994, LAA 50/1994, LAA 628/1994, LAA 674/1994,
LAA 362/1994 & LAA 351/1994 of The HIGH COURT OF KERALA
AT ERNAKULAM)

M.T.JOY & ORS

Petitioner (s)

VERSUS

STATE OF KERALA & ORS.

Respondent (s)

(With Office Report)
(For Final Disposal)
With

SLP(C)No.11732/1999,SLP(C)No.8554/1998
(With Office Report) (For final disposal)

Date : 27/11/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Vinod M.P.,Adv.
in SLP 4453-4467

For Respondent (s) Mr. V.J. Francis,Adv.
in SLP 4453-4467
& Pet. in SLP 8554

For Petitioner (s) Mr. Fazlin Anam,Adv. for
in SLP 11732/99 Mr. E.M.S. Anam,Adv.

For State of Kerala Mr. Ramesh Babu M.R.,Adv.

For UOI Ms. Binu Tamta,Adv.
Mr. Ashok K. Srivastava,Adv. for
Mr. SN Terdol,Adv.
Mr. D.S. Mahra,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
I.A.No.1 in SLP 8554/98 is allowed.

Leave granted.

The appeals are dismissed. There shall be no
order as to costs.

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(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8081-95 OF 2001
(Arising out of SLP (C) Nos. 4453-4467 of 1998)

M.T. Joy & Ors. .. Appellant

versus

State of Kerala & Ors. .. Respondents

With C.A. No.8096/2001 (Arising out of SLP (C) No.8554/1998)
C.A. No.8097/2001 (Arising out of SLP(C) No.11732/1999)

O R D E R

Leave granted.

A large tract of land situated in Thrikkakara South Village in Kanayannur Taluk in the District of Ernakulam was sought to be acquired by State of Kerala for setting up an Export Processing Zone. For that purpose, on 28.1.1985, the Government issued a Notification under Section 4 of the Land Acquisition Act. The said Notification was followed by another Notification issued under Section 6 of the Act. Subsequently on 25.2.1986, the Land Acquisition Officer gave an award in respect of the acquired land. The Land Acquisition Officer categorised the land under various categories. The categories which are relevant for the purpose of these cases are category Nos. 3(b) and 4(b). The Land Acquisition Officer offered compensation for category No.3(b) @ Rs. 4048/- per cent and for category No. 4(b) @ Rs. 4453/- per cent. Aggrieved, the claimants sought reference before the Civil Court. The Reference Court enhanced the compensation for the acquired land. For category No.3(b), the Reference Court enhanced compensation to Rs. 8,000/- per cent and for category 4(b) Rs.8,500/- per cent respectively. Aggrieved, the State of Kerala preferred Regular First Appeals before the High Court. The High Court, by the impugned judgment, modified the judgment of the Reference Court and thereby reduced the enhance compensation and it is against the said judgment of the High Court, the claimants have preferred these appeals.

Learned counsel appearing for the appellants urged that no evidence having been adduced by the State Government in regard to grant of lower rate of compensation for the acquired land the High Court ought to have given compensation as reflected in Ex. A-3 and A-4 and that the judgment of the High Court modifying the judgment given by the Reference Court is erroneous. Ex. A-3 relates to sale deed dated 6.3.1984 for area measuring 1.2 cents for consideration of Rs. 8,000/- per cent. Similarly, sale deed, Ex. A-4 was also of small area. The High Court did not discard Ex. A-3 & A-4 while determining the compensation of the acquired land. The High Court

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relied upon Ex. A-3 & A-4 but reduced the compensation granted by the Reference Court from Rs. 8,000/- & Rs.8,500/- for categories 3(b) & 4(b) to Rs.6,500/- and Rs.7,000/- respectively. Ex. A-3 & A-4 which relate to small pieces of land do not reflect the correct market value of large tract of acquired land measuring 105 acres. It is common knowledge of which

Judicial notice can be taken that sale of small pieces of land fetch more price than the sale of large tract of land. Keeping that view in mind the High Court has proportionately reduced the price of land while determining the compensation for the large tract of acquired land. In that view of the matter, we do not find any infirmity in the judgment under challenge.

Learned counsel then urged that in any case the appellants were entitled to the same rate of compensation as was granted by the High Court in L.A.A. No. 492/92 decided on 23.11.1992 against which no appeal was filed. The respondents have filed counter affidavit wherein it is stated that the State has filed appeals in respect of other matters except in L.A.A. No. 492/92 as grant of compensation involved therein was very petty amount. The explanation given by the State Government for not preferring the appeal against the judgment in L.A.A. 492/92 is reasonable. We are, therefore, of the view that the said judgment of the High Court can not be made basis for awarding compensation to the appellants herein.

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For the aforesaid reasons, we do not find any merit in these appeals. The appeals are dismissed. There shall be no order as to costs.

& & & & & & & & J.
(V. N. Khare)

..& & & & & & & ..J.
(Ashok Bhan)

New Delhi;
November 27, 2001.

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