

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9997 OF 2011
(Arising out of SLP (C) No.9638/2011)

REVANASIDDAPA AND ANR.

.....APPELLANTS

VERSUS

THE CHIEF ENGINEER, ID, IP ZONE GULBARGA
AND OTHERS.

.....RESPONDENTS

WITH

CIVIL APPEAL NO.10010 OF 2011
(Arising out of SLP (C) No.9642/2011)
CIVIL APPEAL NO.10011 OF 2011
(Arising out of SLP (C) No.9643/2011)
CIVIL APPEAL NO.10012 OF 2011
(Arising out of SLP (C) No.9645/2011)
CIVIL APPEAL NO.10013 OF 2011
(Arising out of SLP (C) No.9646/2011)
CIVIL APPEAL NO.10014 OF 2011
(Arising out of SLP (C) No.9647/2011)
CIVIL APPEAL NO.10015 OF 2011
(Arising out of SLP (C) No.9648/2011)
CIVIL APPEAL NOS.10016-10018 OF 2011
(Arising out of SLP (C) Nos.11036-11038/2011)

O R D E R

Civil Appeal arising out of SLP (C) No.9638/2011.

Delay condoned.

Leave granted.

Feeling dissatisfied with the enhancement granted by
the learned Single Judge of the Karnataka High Court in the

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amount of compensation determined by Principal Civil Judge,

Senior Division, Gulbarga (hereinafter described as 'the
Reference Court'), the appellants have filed this appeal.

By notification dated 29.11.2001 issued under
Section 4(1) of the Land Acquisition Act, 1894 (for short,
'the Act'), Government of Karnataka acquired various parcels

of land including 1.20 acres belonging to the appellants for the execution of a portion of Gandori Nala Project in district Gulbarga. The Special Land Acquisition Officer passed award dated 3.1.2004 and fixed market value of the acquired land at the rate of Rs.23,100/-.

On a reference made by the Collector under Section 18 of the Act, the Reference Court considered the evidence produced by the parties and declared that the appellants are entitled to compensation at the rate of Rs.39,600/- per acre with all statutory benefits.

The appellants challenged the award of the Reference Court by filing an appeal under Section 54 of the Act, which was allowed by the learned Single Judge and the amount of compensation was enhanced from Rs.39,600/- per acre to Rs.72,000/- per acre.

In this appeal, the appellants have sought further enhancement in the amount of compensation. In support of their claim, the appellants have relied upon judgment dated 29.9.1999 of the Reference Court in LAC No. 299/1994 and judgment dated 2.12.2010 passed by III Additional District Judge, Gulbarga in LAC Appeal Nos.31, 32 and 33 of 2010.

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Learned counsel for the appellants argued that in view of the enhancement granted by the Reference Court and III Additional District Judge, Gulbarga in respect of the land acquired for similar purposes, the compensation awarded to his clients should also be appropriately enhanced so that it may become just compensation. Learned counsel for the respondents fairly conceded that vide judgment dated 2.12.2010, III Additional District Judge, Gulbarga determined the compensation at the rate of Rs.1,32,700/- per acre for land similar to the one belonging to the appellants, which were also acquired for execution of a part of Gandori Nala Project but argued that the appellants are not entitled to higher compensation because land, which was

subject matter of the judgment of III Additional District Judge, Gulbarga was acquired vide notification dated 5.2.2004. He further argued that the compensation determined by the Reference Court cannot be enhanced because in the appeal filed under Section 54 of the Act, the appellants had confined their claim to Rs.72,000/- per acre.

We have considered the respective arguments and perused the record. A reading of award dated 29.9.1999 shows that the Reference Court had determined the amount of compensation at the rate of Rs.1,02,000/- per acre in respect of land acquired for construction of rehabilitation centre of Kannadagi and Kadaboor villages which was submerged in Benne Thora project in district Gulbarga. In that case, land was acquired vide notification dated

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15.2.1990. The Special Land Acquisition Officer fixed market value of the acquired land at the rate of Rs.21,500/- per acre. On a reference made under Section 18, the Reference Court determined the amount of compensation at the rate of Rs.1,02,000/- per acre.

If that award is made basis for fixing market value of the appellants' land and rule of appropriate increase, i.e. 12% per annum is applied keeping in view the judgments of this Court in Ranjit Singh v. U.T. of Chandigarh (1992) 4 SCC 659, Krishi Utpadan Mandi Samiti v. Bipin Kumar (2004) 2 SCC 283, Land Acquisition Officer and Revenue Deivisional Officer v. Ramanjulu (2005) 9 SCC 594, General Manager, Oil and Natural Gas Corporation Ltd. v. Rameshbhai Jivanbhai Patel (2008) 14 SCC 745 and Revenue Divisional Officer-cum-L.A.O. v. Shaik Azam Saheb (2009) 4 SCC 395, the appellants would become entitled to compensation to Rs.1,27,948/- per acre.

Insofar as, judgment dated 2.12.2010 of III Additional District Judge, Gulbarga is concerned, the same cannot be made basis for determining the amount of compensation payable to the appellants because their land

was acquired in 2001 and the land, which was subject matter of judgment dated 2.12.2010 was acquired in 2004.

In the result, the appeal is allowed. The impugned judgment is set aside and the respondents are directed to pay compensation to the appellants at the rate of Rs.1,27,948/- per acre. For the sake of convenience, this figure is rounded off to Rs.1,28,000/- per acre. The

appellants shall be entitled to all other statutory benefits. The enhanced compensation shall be payable to the appellants subject to their paying additional court fee in terms of the judgment in Chandrashekhar v. Additional Special Land Acquisition Officer (2009) 14 SCC 441.

If the respondents have already paid the amount determined by the High Court, then enhanced amount, i.e. Rs.56,600/- per acre with all statutory benefits be paid to the appellants within a period of three months. This would be subject to the condition that appellants shall deposit the balance court fee within a period of two months from today.

Civil Appeals arising out of S.L.P.(C) Nos.9642, 9643,9645, 9646, 9647, 9648 and 11036-11038 of 2011.

Delay condoned.

Leave granted.

The appeals are allowed in terms of the order passed in the first case, i.e., Civil Appeal arising out of SLP(C) No.9638 of 2011 - Revanasiddapa and another v. The Chief Engineer, ID, IP Zone, Gulbarga and others.

.....J.
(G.S.SINGHVI)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
NOVEMBER 18, 2011.

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ITEM NO.49

COURT NO.6

SECTION IVA

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(s).9638/2011

(From the judgement and order dated 12/11/2009 in MFA No. 6194/2006
of The HIGH COURT OF KARNATAKA, CIRCUIT BENCH AT GULBARGA)

REVANSIDDAPPA AND ANR.

Petitioner(s)

VERSUS

THE CHIEF ENGR.ID.,I.P ZONE GULBARGA&ORS

Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling
SLP,permission to file additional documents and office report)
WITH

SLP(C) NO. 9642 of 2011

SLP(C) NO. 9643 of 2011

SLP(C) NO. 9645 of 2011

SLP(C) NO. 9646 of 2011

SLP(C) NO. 9647 of 2011

SLP(C) NO. 9648 of 2011

SLP(C) NO. 11036-11038 of 2011

(With appln(s) for c/delay in filing SLP,c/delay in refiling
SLP,permission to file additional documents and office report)

Date: 18/11/2011 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. S.C. Paul, Adv.

Mr. S.S.Munde, Adv.

Mr. Satyendra Kumar,Adv.

For Respondent(s)

Mr. Naveen R. Nath,Adv.

Ms. Hetu Arora, Adv.

Mr. Darpan K.M., Adv.

Ms. Amrita Sharma, Adv.

Ms. Anitha Shenoy, Adv.

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

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed
order.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Court Master

[signed order is placed on the file]