

+ITEM NO.37

COURT NO.4

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).10849/2009

(From the judgement and order dated 28/08/2008 in MFA No. 2580/2007  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MANSOOR ALI

Petitioner(s)

VERSUS

SPL.LAND ACQUISITION OFFICER

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 15/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Dr. R.R. Deshpande, Adv.  
Ms. Ujwala R. Deshpande, Adv.

For Respondent(s)

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

Leave granted. Heard the parties. Delay condoned.

Appeal is allowed in terms of the signed order.

( Ravi P. Verma ) ( M.S. Negi )  
Court Master Court Master  
[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 473 OF 2010  
[Arising out of SLP(C) No.10849 of 2009]

MANSOOR ALI

.....APPELLANT(S)

Versus

SPECIAL LAND ACQUISITION OFFICER

.....RESPONDENT(S)

O R D E R

Leave granted. Heard the parties. Delay condoned.

2. The claimant in a land acquisition case is the  
appellant. His land was acquired in pursuance of  
preliminary notification dated 23.4.1981. The Land

Acquisition Officer, by his award dated 11.3.1991, determined the compensation as Rs.7200/- per acre. The reference Court increased it to Rs.20,000/- per acre by its judgment and award dated 19.3.2004 by adopting the method of capitalising the income from yield. The High Court, by its impugned judgment dated 28.8.2008, further increased the compensation to Rs.24,000/- per acre, following the said method.

3. The appellant contends that there is a serious clerical and calculation error in calculating the compensation. He points out that the reference Court has ....2.

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assumed Rs.117/- as the price of sugarcane per metric tonne instead of Rs.236/-. It is pointed out that the sugar factory had given a certificate dated 6.12.2002 which showed that the appellant had delivered 117 metric tonnes of sugarcane in the year 1981-1982 and the sugarcane price was Rs.236/- per metric tonne. But the trial Court, instead of taking Rs.236/- per MT as the price for the purpose of calculating the market value of capitalisation method, wrongly assumed Rs.117/- as the price per MT. This has not been corrected even by the High Court. It is contended that if the certificate issued by the sugar factory is taken note of with reference to the price disclosed therein, the compensation would completely be different.

4. The appellant is right in his submission that a wrong sugarcane price has been made the basis for calculation. But we find that if the correction, as pointed out by the appellant, is to be made then it has to be made also with reference to other entries in the certificate. If the yield is taken as 117 MT from the land

measuring 7 acres 15 cents, then the yield would be less than 16 metric tonnes which is far less than 35 metric tonnes assumed by the reference Court.

There is no

.....3.

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evidence about the extent of land under sugarcane cultivation. Therefore, the entire matter will have to be re-assessed with reference to any further evidence that may be led in this behalf.

4. In view of the above, we allow this appeal, set aside the judgment of the High Court and reference Court and remit the matter to the reference Court to give due opportunity to the parties to let in further evidence in regard to the price and then decide the market value in accordance with law. As this is a old matter, hearing and disposal to be expedited.

.....J.  
( R.V. RAVEENDRAN )

New Delhi;  
January 15, 2010.

.....J.  
( SURINDER SINGH NIJJAR )