

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).9 7 2 5 / 2 0 0 4

(From the judgement and order dated 1 0 / 1 0 / 2 0 0 3 in MFA No. 1 5 2 0 / 2 0 0 2 of The
HIGH C O U R T O F K A R N A T A K A AT B A N G A L O R E)

R A M A R A O (D) BY L R S .

Petitioner(s)

V E R S U S

L A O C U M A S S T . C O M M R K O P P A L & A N R .

Respondent(s)

(With prayer for interim relief and office report)
(for final disposal)

Date: 1 7 / 0 8 / 2 0 0 7 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E A S H O K B H A N
H O N ' B L E M R . J U S T I C E V . S . S I R P U R K A R

For Petitioner(s) Mr. G.V.Chandr a s h e k a r , Adv.for
Mr. P . P . Singh,Adv.

For Respondent(s) Mr. Sudhir Kulsh reshth a,Adv.

Mr. Sanjay R. Hegde ,Adv

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

Leave granted.

Appeal is disposed of.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master

[Signed Order is placed on the File]

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

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 3 7 9 3 O F 2 0 0 7
(Arising out of S L P (C) No.9 7 2 5 / 2 0 0 4)

R a m a r a o (D) by Lrs.

..Appellant

Vs.

L A O cum Asst. Commr. Koppal & Anr.

..Respondents

O R D E R

1. Leave granted.

2. Land of the appellant measuring 4 acre 20 guntas was acquired by the respondents for the purpose of a residential layout in Yelburga Town of Bellary District. Land Acquisition Officer awarded a compensation of Rs. 6,550/- per acre. Appellant, being aggrieved, filed a reference petition under Section 18(1) of the Land Acquisition Act, 1894 (for short 'the Act') for enhancement of the compensation. Reference court enhanced the compensation to Rs. 32,000/- per acre relying on the sale deed (exhibit P-6).

3. Respondents, being aggrieved by the order passed by the Reference Court, filed appeal in the High Court of Karnataka. The High Court by its order dated 26.06.2000 remanded the case to the reference court for a fresh adjudication after giving an opportunity to both the parties to lead evidence regarding potentiality of the land in question.

4. Reference Court, after remand, discarded the sale deed(exhibit P-6) on the ground that single sale instance of small piece of land could not be taken into consideration for determining the market value of a big chunk of land. Accordingly, the reference Court awarded the compensation at the rate of Rs. 15,000/- per acre with consequential benefits.

5. Appellant, being aggrieved, filed an appeal before the High Court which has been dismissed by the impugned order and that is why appellant is before us in the present appeal by grant of special leave.

6. Heard counsel for the parties.

7. Sale deed, exhibit P-6, is dated 18.4.1986. Section 4 notification in the present case was issued on 23.10.1986. Vide sale deed, exhibit P-6, land measuring 900 sq. ft. was sold for a consideration of Rs.2,500/- only which comes to Rs. 2.77/- per sq. ft. which in turn comes to Rs. 1,20,000/- per acre. In the earlier order, the reference court after putting a cut of 53 per cent towards development charges determined the value of the land at Rs. 44,625/- per acre. Further scaling down the value of land by Rs.12,625/- determined the market value at Rs. 32,000/- per acre.

8. Both the reference Court and the High Court have held that in the absence of any other sale deed the market value could not be determined on the basis of the solitary sale deed, exhibit P-6. We do not agree with the reasoning adopted or the conclusion arrived at by the High Court. In the absence of any other evidence, the

solitary instance of sale can be relied on for determining the price of the land acquired. Judicial notice can be taken of the fact that sale of small pieces of land fetch more price but if the sale instance is of small piece of land then in the absence of any other suitable evidence value of larger piece of land can be arrived at by putting a suitable cut towards the development charges. The reference court in the earlier order passed by it had put a cut of 7 7 per cent and determined the market value at Rs.3 2 , 0 0 0 / - per acre. In our view, keeping in view the facts and circumstances of the case, the market value of the land determined by the reference court, in its previous order at Rs.3 2 , 0 0 0 / - per acre is reasonable.

9. Accordingly, the order of the High Court as well as that of reference court is set aside and the market value is determined at Rs. 3 2 , 0 0 0 / - per acre along with consequential statutory benefits.

The appeal is disposed of in the above terms.

..... J.
[ASHO K BHA N]

N E W D E L H I ;
AUGUS T 1 7 , 2 0 0 7 .

.....J .
[V.S.S I R P U R K A R]