

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5246 OF 2007

KANTILAL AND VINOD LAL .. APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA .. RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Judicature at Bombay in First Appeal No. 1047 of 1991 and First Appeal No. 661 of 1992, dated 26.08.2005.

2. Brief facts: State Government issued a notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") dated 10.04.1984 to acquire claimant's land measuring 6,750 sq. meters bearing plot nos 37, 38, 39, 40 and 50 situated at village Sailapur Taluka Karal, Maharashtra for the purpose of establishing a Pharmacy College. Declaration under Section 6 of the Act came to be

issued on 21.11.1984.

3. The Land Acquisition Collector (for short, "the LAC") determined the compensation payable for the acquired lands at Rs.1,47,150/- by award dated 20.03.1987.

4. The claimants, not being satisfied with the compensation awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Reference Court for enhancement in the compensation.

5. The Reference Court enhanced the compensation to Rs.4,26,600/-, by order dated 05.02.1991.

6. Aggrieved by the aforesaid order of the Reference Court, the appellant herein filed an appeal before the High Court.

7. The High Court in its impugned judgment and

order has reduced the compensation awarded to the claimants by 33 percent on the amount of Rs.4,26,600/-.

8. Aggrieved by the aforesaid judgment and order passed by the High Court, the appellant is before us in this appeal.

9. We have heard the learned counsel for the parties to the *lis*.

10. After going through the impugned judgment and order passed by the High Court as well as the Trial Court and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the impugned judgment and order passed by the High Court be set aside and judgment and order passed by the Reference Court be restored.

11. Accordingly, while we set aside the impugned judgment and order passed by the High Court and

restore the order passed by the Reference Court.

12. In the result, the Civil Appeal is allowed in terms of the order passed above.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[S.A. BOBDE]

.....J.
[ARUN MISHRA]

NEW DELHI,
NOVEMBER 19, 2015.

ITEM NO.18

COURT NO.1

SECTION IX

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

Civil Appeal No(s). 5246/2007

M/S. KANTILAL & VINODLAL

Appellant(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date : 19/11/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Siddharth Bhatnagar, Adv.
Mr. Siddharth Mohan, Adv.
Ms. Garima Tiwari, Adv.
Mr. T. Mahipal, Adv.

For Respondent(s) Mr. Nishant Katmeshwarkar, Adv.
Mr. Arpit Rai, Adv.

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

The appeal is allowed in terms of the signed
order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]