

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4030 OF 2007
DEPUTY CHIEF EXECUTIVE OFFICER ..APPELLANT(S)
VERSUS
COMMUNIDADE OF KERIM & ANR. ..RESPONDENT(S)

WITH
CIVIL APPEAL NO.4031 OF 2007

DY. CHIEF EXECUTIVE OFFICER ..APPELLANT(S)
VERSUS
COMMUNIDADE OF KERIM & ANR. ..RESPONDENT(S)

O R D E R

1. These appeals are directed against the judgments and orders passed by the High Court of Bombay, Goa Bench in First Appeal Nos.5 and 7 of 2007, dated 21.12.2005.

Signature Not Verified

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NEETU KHAJURIA
Date: 2015.11.16
17:53:33 IST
Reason:

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2. A notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was issued by acquiring authority on 09.03.1989 to acquire 10,11,000 sq. mts. of land for the purpose of industrial estate/Nylon 66 Project of Kerim in three villages in Taluka Ponda. Subsequently, the declaration under Section 6 of the Act was issued on 09.03.1990 for acquisition of land from only two villages- Kherim and Khandepar.

3. The Land Acquisition Officer, by order dated 21.04.1992, awarded Rs.8/- per square meters as market value of bharad land and Rs.4/- per square

meters for paddy land. Aggrieved by the same, the respondent herein filed two applications for reference (concerning different plots of land) claiming compensation at the rate of Rs.50/- per sq. mts. These references were taken up by the Reference Court as Land Acquisition Case No.104 of 1997 and

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Land Acquisition Case No.105 of 1997. The Reference Court, by its judgments and orders in Land Acquisition Case No.104 of 1997 and Land Acquisition Case No.105 of 1997, both dated 25.09.2003, rejected the references made by the respondent.

4. Being aggrieved by the said judgments and orders, the respondent approached the High Court in First Appeal No.5 of 2004 and First Appeal No.7 of 2004. By its impugned judgment and order in First Appeal No.5 of 2004, dated 21.12.2004, the High Court partly allowed the appeal and fixed the compensation for the land in question at Rs.9.75/- per sq.m. for bharad land and Rs.12/- per sq.m. for paddy land, together with statutory benefits of solatium and interest on the enhanced compensation. By its impugned and judgment and order in First Appeal No.7 of 2004, dated 21.12.2004, the High Court, relying on its judgment and order in First Appeal No.5 of 2004,

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allowed the appeal in part and fixed the market value of the land in question at Rs.9.75/- per sq.m. The Court further held that the respondent would be entitled to statutory benefits of solatium and interest on the enhanced compensation.

5. Being aggrieved by the judgments and orders passed by the High Court, the appellants are before us in these appeals, by way of special leave.

6. We have heard learned counsel appearing for parties to the lis and carefully perused the material available on record in all these appeals.

7. After carefully going through the records of the cases and the impugned judgments and orders passed by the respective High Courts, it is our considered opinion that no good ground exists in these appeals for our consideration and interference. The appeals,

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being devoid of any merit, are liable to be dismissed and, are accordingly dismissed.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(Arun Mishra)

NEW DELHI,
NOVEMBER 04, 2015.

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ITEM NO.24

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Civil Appeal No(s). 4030/2007

DY. CHIEF EXECUTIVE OFFICER

Appellant(s)

VERSUS

COMMUNIDADE OF KERIM & ANR.

Respondent(s)

WITH

C.A. No. 4031/2007

Date : 04/11/2015 These appeals were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr. Arun R. Pednekar, Adv.
For Mr. V. N. Raghupathy, Adv.

For Respondent(s)

Mr. Siddharth Bhatnagar, Adv.
Mr. Sidharth Mohan, Adv.
Ms. Garima Tiwari, Adv.
For Mr. T. Mahipal, Adv.

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Mr. Sidharth Mohan, Adv.
Ms. Garima Tiwari, Adv.
For Mrs. Rekha Palli, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

As a sequel to the above, all pending interlocutory application(s) is/are disposed of.

(Neetu Khajuria)

Sr.P.A.

(Signed order is placed on the file.)

(Vinod Kulvi)

Assistant Registrar