

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4424-4425 OF 2008

SRI MAHABALA AMIN

.. APPELLANT(S)

VERSUS

KONKAN RAILWAY  
CORPORATION LTD. & ANR.

.. RESPONDENT(S)

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court of Karnataka at Bangalore in Miscellaneous First Appeal Nos.3567 and 3568 of 1998, dated 04.06.2004.

2. The brief facts of the case : The Special Land Acquisition Officer issued notifications under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") dated 20.09.1990 and 31.07.1992 to acquire certain lands of the appellant/claimant for the purpose of laying railway line. The notification under Section 6 of the Act was also issued.

3. The Land Acquisition Collector (for short, "the LAC") by its award determined the compensation payable for the acquired lands at Rs.1490/- per cent in respect of dry land and Rs.1,000/- per cent in respect of wet land.

4. The claimant, 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 of the compensation.

5. The Reference Court by order dated 18.04.1998, enhanced the compensation to Rs.4,500/- per cent for dry lands and Rs.3,500/- per cent for wet lands and also awarded a sum of Rs.2,00,000/- towards damages caused to the land and a sum of Rs.1,75,000/- towards cost of construction of compound wall.

6. Aggrieved by the aforesaid order of the Reference Court, the respondent-Konkan Railway

Corporation Ltd. (for short, 'the Corporation') filed an appeal before the High Court.

7. The High Court by order dated 04.06.2004 allowed the appeals in-part and reduced the compensation at the rate of Rs.3,50,000/- per acre for dry land and Rs.2,00,000/- per acre for wet land and. The High Court also set aside the amounts awarded by the Reference Court towards damages and construction of compound wall.

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 judgments and orders passed by the High Court as well as the Trial Court and the material available on record and in view of the peculiar facts and circumstances of the case, we

are of the considered opinion that the judgment and order passed by the High Court be set aside and order passed by the Reference Court be restored.

11. Accordingly, we set aside the judgment and order passed by the High Court and restore the order passed by the Reference Court.

12. We further direct that the balance amount be paid to the appellant/claimant by the respondent-Corporation within three months from today.

13. The Civil Appeals are allowed in terms of the order passed above.

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

.....J.  
[ ARUN MISHRA ]

NEW DELHI,  
NOVEMBER 26, 2015.

ITEM NO.22

COURT NO.1

SECTION IVA

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). 4424-4425/2008

SRI MAHABALA AMIN

Appellant(s)

VERSUS

KONKAN RAILWAY CORPN. LTD. & ANR.

Respondent(s)

(with office report)

Date : 26/11/2015 These appeals were called  
on for hearing today.

CORAM :

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

For Appellant(s) Mr. S. N. Bhat, Adv.

For Respondent(s) Mr. Atul Y. Chitale, Sr. Adv.  
Mrs. Suchitra Atul Chitale, Adv.  
Ms. Shivangi Khanna, Adv.

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

The appeals are allowed in terms of the  
signed order.

Pending application(s), if any, stand  
disposed of.

(Neetu Khajuria)  
Sr.P.A.

(Vinod Kulvi)  
Assistant Registrar

(Signed order is placed on the file.)