

\220\222

C.A.No. 4468-4566 OF 1997

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

ITEM NO. 101A & 101B P.H. COURT NO. 6 SECTION IVA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 4468-4566 OF 1997@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

The Agricultural Produce Market Committee ... Appellant (s)

Vs.

The Astt.Commissioner & L.A.Q.Officer & Ors... Respondent (s)

(With appln. for vacating stay and substitution of Lrs. of the
deceased respondent No. 2 and recalling the Court's Order
dated 12.5.2001 and office report)

With @@

CCCC

C.A.Nos.7228-35, 7592-93, 8487-90/97@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

C.A. Nos. 8491-92/97@@

CCCCCCCCCCCCCCCCCCCC

(With office report)

C.A. Nos. 8493-94 & 8697-98/97@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

C.A. Nos. 8916-17/97@@

CCCCCCCCCCCC

(With office report)

SLP (C) Nos. 23407-08/97@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

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

(With office report)

SLP (C) Nos. 1566-67/98@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

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

(With prayer for interim relief)

SLP (C) Nos. 1568-75/98, 1579-80, 1585-88, 1594-99,@@

CC

1601-02, 1613-14/98@@

CCCCCCCCCCCCCCCCCCCC

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

SLP (C) Nos. 14754-55@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

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

(With office report)

SLP (C) Nos. 14757-60/98@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

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

SLP (C) No. 9329/99@@

CCCCCCCCCCCCCCCCCCCC

SLP (C) Nos. 14293-94, 14440-41, 16119-20/97@@

CC

(With appln. for stay)

(With office report)

SLP..CC 7187-88/97@@

CCCCCCCCCCCCCCCCCCCC

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

(With office report)
 SLP..CC 7224-25/97@@
 CCCCCCCCCCCCCCCCCC
 (With appln. for c/delay in filing SLP)
 SLP..CC 8344-45/97@@
 CCCCCCCCCC
 (With appln. for c/delay in filing SLP)
 (With office report)
 SLP.. CC 4936/98@@
 CCCCCCCCCCCCCCCCCC
 (With appln. for c/delay in filing SLP and substitution)
 CA Nos. 7590-91/97@@
 CCCCCCCCCCCCCCCCCC
 (With appln. for c/delay in filing appln. for bringing
 Lrs. on record and office report)
 SLP (C) Nos. 13860-61/97@@
 CCCCCCCCCCCCCCCCCC
 (With appln. for stay and office report)
 SLP (C) Nos. 1576-77, 1581-84, 1590-91, 1603-12/98@@
 CCCCCCCCCCCCCCCCCC
 (With appln. for c/delay in filing SLP)

...2/-

-2-

Date: 27-09-2001 This/These matter(s) was/were called
 on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
 HON'BLE MR. JUSTICE B.N. AGRAWAL

For appellant (s)
 in CA 4468-4566/97 Mr. PS Mishra, Sr.adv.
 & Res.No.1 (APMC) Mr. BG Sridharan, adv.
 & petitioner (s) in Mr. GV Chandrashekhar, adv.
 SLP 9329/99 Mr. PR Ramasesh, adv.
 Mr. PP Singh, adv.

For appellant (s)/
 petitioner (s) in
 rest of the matters &
 res.in CA 4468-4566/97 Mr. N Ganpathy, adv.

For respondent (s)
 in CA 4468-4566/97 Ms. Kiran Suri, adv.
 & in SLP 9329/99 & Mr. Maganur C.R., adv.
 petr.in SLP CC 4936/98 Ms. Kirti Renu Mishra, adv.

R.No. 2 in CA 4502/97 Mr. Sanjay Parikh, adv.
 Mr. R.R. Chandrachud,adv.

R.No.2 in CA 4468/97 Mr. SN Bhat, adv.

R.Nos.4-8 in CA 4534/97
 & res.in SLP 1570-71/98 Mr. Shankar Divate, adv.

R.No.2 in CA 4543/97 & Mr. Shankar Divate, adv.
 res. in SLP 1568-69/98 Mrs. Lalita Kaushik, adv.

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

Civil Appeal Nos. 4468-4566, 7228-35, 7592-93,@@
CC
8487-90/97, 8491-92/97, 8493-94 & 8697-98/97,@@
CC
8916-17/97, SLP (C) Nos. 23407-08/97, 1566-67/98@@
CC
1568-75/98, 1579-80, 1585-88, 1594-99, 1601-02,@@
CC
1613-14/98, 14754-55, 14757-60/98, 9329/99,@@
CC
14293-94,14440-41,16119-20/97,SLP..CC 7187-88/97,@@
CC
SLP..CC 7224-25/97, SLP..CC 8344-45/97@@
CC

Delay condoned.

Substitution applications are allowed.

Applications for recalling the court's order dated 12.5.2001 is allowed.

...3/-

-3-

Application for vacating stay - In view of@@
CC
the decision, no order is required on this application.

Application for Mr. N Ganpathy, advocate@@
CC
in C.A. Nos. 8697-98/97 - Learned counsel prays@@
CC
for deletion of respondent No. 2 (f) from the array or parties. Ordered as prayed.

Leave granted.

The appeals are allowed. There shall be no order as to costs.

S.L.P.(C)..CC No. 4936/98:@@
CC

The special leave petition is dismissed as withdrawn.

C.A. Nos. 7590-91/97 and SLP (C) Nos. 13860-61/97,@@
CC
1576-77, 1581-84, 1590-91, 1603-12/98:@@
CC

The appeals and special leave petitions are dismissed as withdrawn.

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

.SP1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4468-4566 OF 1997@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

The Agricultural Produce Market Committee ... Appellant (s)

Vs.

The Asstt.Commissioner & L.A.Q.Officer & Ors.. Respondent (s)

With @@
CCCCC

C.A.Nos.7228-35, 7592-93, 8487-94, 8697-98, 8916-17/97,@@
CC

C.A. Nos. 6783-84/2001 @ SLP (C) Nos. 23407-08/97,@@
CC

C.A. Nos. 6785-86/2001 @ SLP (C) Nos. 1566-67/98,@@
CC

C.A. Nos. 6787-94/2001 @ SLP (C) Nos. 1568-75/98,@@
CC

C.A. Nos. 6795-96/2001 @ SLP (C) Nos. 1579-80/98,@@
CC

C.A. Nos. 6797-6800/2001 @ SLP (C) Nos.1585-88/98,@@
CC

C.A. Nos. 6801-06/2001 @ SLP (C) Nos. 1594-99/98,@@
CC

C.A. Nos. 6807-08/2001 @ SLP (C) Nos. 1601-02/98,@@
CC

C.A. Nos. 6809-10/2001 @ SLP (C) Nos. 1613-14/98,@@
CC

C.A. Nos. 6811-12/2001 @ SLP (C) Nos. 14754-55/98,@@
CC

C.A. Nos. 6813-16/2001 @ SLP (C) Nos. 14757-60/98,@@
CC

C.A. No. 6817/2001 @ SLP (C) No. 9329/99,@@
CC

C.A. Nos. 6818-19/2001 @ SLP (C) Nos. 14293-94/97,@@
CC

C.A. Nos. 6820-21/2001 @ SLP (C) Nos. 14440-41/97,~@@
CC

C.A. Nos. 6822-23/2001 @ SLP (C) Nos. 16119-20/97,@@
CC

C.A. Nos. 6824-25/2001 @ SLP 17208-09/2001(CC 7187-88/97),@@
CC

C.A. Nos. 6826-27/2001 @ SLP 17210-11/2001(CC 7224-25/97),@@
CC

C.A. Nos. 6828-29/2001 @ SLP 17213-14/2001(CC 8344-45/97),@@
CC

SLP (C)..CC 4936/98, C.A.Nos.7590-91/97,SLP(C)Nos.13860-61/97,@@
CC

1576-77, 1581-84, 1590-91, 1603-12/98.@@
CC

O R D E R@@
CCCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....J

C.A. Nos. 4468-4566, 7228-35, 7592-93, 8487-94,@@
CC
8697-98, 8916-17/97, 0 C.A. Nos. 6783-84/2001 @ SLP@@
CC
(C) Nos. 23407-08/97, C.A. Nos. 6785-86/2001 @ SLP (C)@@
CC

Nos. 1566-67/98, C.A. Nos. 6787-94/2001 @ SLP (C) Nos.@@
CC
1568-75/98, C.A. Nos. 6795-96/2001 @ SLP (C) Nos.@@
CC
1579-80/98, C.A. Nos. 6797-6800/2001 @ SLP (C)@@
CC
Nos.1585-88/98, C.A. Nos. 6801-06/2001 @ SLP (C) Nos.@@
CC
1594-99/98, C.A. Nos. 6807-08/2001 @ SLP (C) Nos.@@
CC
1601-02/98, C.A. Nos. 6809-10/2001 @ SLP (C) Nos.@@
CC
1613-14/98, C.A. Nos. 6811-12/2001 @ SLP (C) Nos.@@
CC
14754-55/98, C.A. Nos. 6813-16/2001 @ SLP (C) Nos.@@
CC
14757-60/98, C.A. No. 6817/2001 @ SLP (C) No. 9329/99,@@
CC
C.A. Nos. 6818-19/2001 @ SLP (C) Nos. 14293-94/97,@@
CC
C.A. Nos. 6820-21/2001 @ SLP (C) Nos. 14440-41/97,~@@
CC
C.A. Nos. 6822-23/2001 @ SLP (C) Nos. 16119-20/97, C.A.@@
CC
Nos.6824-25/2001 @ SLP 17208-09/2001(CC 7187-88/97),C.A.@@
CC
Nos. 6826-27/2001 @ SLP 17210-11/2001(CC 7224-25/97),@@
CC
C.A.Nos.6828-29/2001 @ SLP 17213-14/2001(CC 8344-45/97):@@
CC

.SP2

Delay condoned.
Leave granted.

A land measuring 362 acres situate in villages Amargol and Bhairedevarakoppa at a distance of 14 Kms. from Dharwar and 5 Kms from Hubli were sought to be acquired for setting up market yard for Agricultural Produce Market Committee, Hubli, Dharwar (hereinafter referred to as 'the Market Committee') constituted and established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1956 (hereinafter referred to as 'the Act'). The aforesaid lands were acquired in different stages by different Notifications issued under Sections 4 and 6 of the Land Acquisition Act. In the present case, we are concerned with the Notifications under Section 4 of the Act issued on 31st December, 1979 and on 13th August, 1981 respectively. It is alleged that the lands of the respondent-claimtants herein are covered by the aforesaid two Notifications. The Notifications under Section 4 of the Act were followed by Notifications under Section 6 of the Act on 21st February, 1983 and 5th March, 1986 respectively. The Land Acquisition Officer offered compensation @ Rs.10,000/- & Rs.12,000/- per acre for Amargol village and Rs.8,700/- and Rs.9,000/- per acre for Bhairedevarakoppa

village. It appears that the claimants were not ...3/-

-3-

satisfied with the compensation offered by the Land Acquisition Officer and, therefore, they sought Reference before the Civil Court. The Civil Judge by an order dated 30th January, 1995 enhanced the compensation at the rate of Rs.3,60,000/- per acre. Aggrieved, the appellants herein preferred Regular First Appeals before the High Court. The High Court partly allowed the appeals and reduced the compensation from Rs.3,60,000/- per acre to Rs.1,44,000/- per acre. It is against the said judgment of the High Court, the appellants have preferred these appeals by means of special leave petitions.

It is at this stage Ms. Kiran Suri and Mr. Sanjay Parikh, learned counsel appearing for the respondents, state that in view of the fact that Exhibits D-54 to D-64 have not been considered and, therefore, the cases may be sent back to the High Court to decide the matters afresh after considering the evidence led by the parties. We feel that the statement is fair and correct. We, accordingly, set aside the judgment under challenge and send the matters back to the High Court to decide the appeals after taking into consideration the evidence led by the parties.

The appeals are allowed. There shall be no order as to costs.

...4/-

-4-

Before we part with the case, we would like to observe that these matters relate to the year 1979 and, therefore, the cases require expeditious hearing. We, therefore, request the High Court to decide the appeals, if possible, within a period of six months.

SLP (C)...CC 4936/98:@@
CCCCCCCCCCCCCCCCCCCC

Ms. Kiran Suri, learned counsel states that in view of the decision in C.A. Nos. 4468-4566/97, the petitioners may be permitted to withdraw the petition. The special leave petition is dismissed as withdrawn without prejudice to the rights and contentions that may be available to the petitioners before the High Court.

C.A. Nos. 7590-91/97 and SLP (C) Nos. 13860-61/97,@@
CC
1576-77, 1581-84, 1590-91, 1603-12/98:@@
CC

Mr. N Ganpathy, learned counsel appearing in the above matters states that in view of the order passed in C.A. Nos. 4468-4566/97, the State of Karnataka wants to withdraw the appeals and petitions.

The civil appeals and special leave petitions are dismissed as withdrawn without prejudice to the rights and contentions which the appellants/petitioners are entitled to raise before the High Court.

.SP1

.....J.
(V.N. KHARE)

.....J.
(B.N. AGRAWAL)

NEW DELHI
SEPTEMBER 27, 2001.