

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).1487-1490/2011

KUNJAMMA & ANR. ETC.

Appellant(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

WITH

C.A. No. 1473-1486/2011 & C.A. No. 9814-9815/2011.

O R D E R

In all these appeals the appellants are claiming enhanced compensation in respect their lands which were acquired under the Land Acquisition Act,1894 (hereinafter referred to as "the Act"). The Notification by which the lands were acquired are the same and the lands are also situated in the same vicinity. The Notification was published on 19.12.2003. After inviting the objections under Section 5A of the Act and considering the same, the declaration under Section 6 also came to be passed thereafter. The Land Acquisition Officer categorised the lands in four different categories and awarded the compensation at the rate of Rs. 4600/- per Are for Category No.1, Rs. 4400/- per Are for Category No. 2, Rs.4200/- per Are for Category No. 3 and Rs.4000/- per Are for Category No. 4. The appellants sought Reference under Section 18 of the Act as they were not satisfied with the aforesaid compensation. In fact, they have claimed the compensation at the rate of Rs. 20,000/- per Are. The Reference Court maintained the

aforesaid categories of lands and enhanced the compensation to Rs.10,000/- per Are, Rs.8,000/- per Are, Rs.7,000/- per Are and Rs.6,000/- per Are for Category Nos. 1,2,3 & 4 respectively. Still not satisfied, the appellants approached the High Court by filing the appeals against the order of the Reference Court. In those appeals, the High Court fixed the compensation on the following rates:

Category - 1	Rs. 11,000/- per Are
Category - 2	Rs. 8,800/- per Are
Category - 3	Rs. 7,500/- per Are
Category -4	Rs. 6,400/- per Are

After fixing the compensation in the aforesaid manner, the High Court also added the value of improvements and enhanced the aforesaid compensation by 30% as it found that there were substantial improvements on the lands carried out by the land owners by planting rubber trees etc. However, thereafter the High Court reduced the compensation by 10% on the ground that in these cases the acquisition was of more than one hectare of land.

It is argued by the learned senior counsel for the appellants that there was no reason to reduce the compensation by 10% on the aforesaid ground when the High Court had fixed the rates of compensation, as mentioned above, not on the basis of awards passed in other cases where the acquisition was of lesser quantum of land. However, it may not be necessary to go into this issue having regard to some other developments which have taken place and re-produced by the appellants by way of additional documents. It so

happened that in the very next year i.e. in the year 2004, some more lands in the same area were acquired by the State. In those cases, the Reference Court has fixed the market value of land at Rs. 30,000/- per Are. It is also stated on affidavit that the State has accepted the aforesaid value and paid the compensation to the land owners in those cases accordingly. The learned senior counsel appearing for the appellants, thus, submitted that when for the same kind of land the compensation is fixed at Rs. 30,000/- per Are, which acquisition was within the close proximity of acquisition of lands of the appellants, there is no reason not to pay the compensation to the appellants at the same rate.

No reply to the application for bringing on record the aforesaid additional documents has been filed by the respondents. We, thus, accept the averments made in the application that the value as fixed by the Reference Court is accepted by the State Government.

It is, thus, clear that the compensation at the rate of Rs.30,000/- per Are is paid by the State Government in respect of the lands which were acquired vide Notification issued in the year 2004. This land can be treated as corresponding to Category No. 1 land of the appellants acquired one year before. Accordingly, compensation can be fixed by reducing the said value by 15% in respect of Category No. 1 lands and for other Categories with corresponding reduction. In this manner, for Category No. 1 the compensation would Rs. 25,000/- per Are, for Category No. 2 Rs. 20,000/- per Are, for Category No. 3 Rs. 16,500/- per Are and for Category No. 4 Rs. 15,000/- per Are. However, since the appellants

have claimed compensation @ Rs.20,000/- per Are, it is restricted to Rs.20,000/- per Are for Category No. 1 as well.

The present appeals are allowed in the aforesaid manner by fixing the compensation for Category Nos.1 and 2 at Rs. 20,000/- per Are, for Category No. 3 Rs. 16,500/- per Are and for Category No. 4 Rs.15,000/- per Are. The appellants shall also be entitled to interest at the rate of 9% per annum and all statutory benefits. There shall be no order as to costs.

.....J.
[A.K. SIKRI]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
FEBRUARY 10,2016

ITEM NO.106

COURT NO.12

SECTION XIA

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). 1487-1490/2011

KUNJAMMA & ANR. ETC.

Appellant(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

WITH

C.A. No. 1473-1486/2011
(With Office Report)

C.A. No. 9814-9815/2011

Date : 10/02/2016 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Dr. Kylash Natha Pillai, Sr. Adv.
Ms. V.S. Lakshmi, Adv.
Mr. Ganesh D.Gurnule, Adv.
Mr. A. Venayagam Balan, Adv.

For Respondent(s) Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.

Mr. Ramesh Babu M. R., Adv.
Mr. B.R. Mohan Kumar, 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.

Interlocutory Application(s) pending, if any, shall stand
disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Tapan Kr. Chakraborty)
COURT MASTER

(Signed order is placed on the file)