

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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

KUNJAMMA & ANR. ETC.
Appellant(s)

Appell

VERSUS

STATE OF KERALA & ANR.
Respondent(s)

Respon

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.

Signature Not Verified

The appellants sought Reference under Section 18

Digitally signed by
ASHWANI KUMAR
Date: 2016.02.12

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Reason: 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
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 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. Stil
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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 wer
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 substantial improvements on the lands carried out by the lan
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 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 o
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 compensation, as mentioned above, not on the basis of awards passed
 in other cases where the acquisition was of lessor quantum of land.
 However, it may not be necessary to go into this issue having
 regard to some other developments which have taken place an
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 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
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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]

