

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3107 OF 2007

MULLA IRFAN ALI

...APPELLANT(S)

VERSUS

STATE OF M.P. & ANR.

...RESPONDENT(S)

O R D E R

1. This Civil Appeal is directed against the judgment and order, passed by the Division Bench of the High Court of Madhya Pradesh at Jabalpur in First Appeal No.248 of 2002, dated 07.12.2005.

2. The facts, in brief, are: The Government of Madhya Pradesh issued a notification dated 07.07.1989, under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), to acquire 50 acres of land, including 15.45 acre land of the appellant-claimant for the public purpose of establishment of a padology organization. The same was followed by a declaration, under Section 6 of the Act, dated 15.09.1989.

3. The Land Acquisition Collector (for short, "the LAC") passed an award, dated 25.10.1990, fixing the compensation at the rate of Rs.28,151/- per acre.

4. Dissatisfied with the award passed by the LAC, the appellant-claimant sought for a reference under Section 18 of the Act before the Additional District Judge, Bhopal. After recording the evidence and considering the material on record, the Additional

District Judge rejected the claim of the appellant-claimant, by order dated 08.01.2002, and upheld the award passed by the LAC.

5. Aggrieved by the same, the claimant filed First Appeal before the High Court seeking enhancement of compensation.

6. It would be pertinent to note that the appellant-claimant had claimed that the value of the land in question ought to be determined at the rate of Rs.2,00,000/- per acre. Further, the High Court has taken note of the admitted fact that the land in question is an agricultural land and is in proximity to the State highway, and therefore has high potentiality. The High Court partly allowed the Regular First Appeal filed by the appellant-claimant herein and consequently increased the value of the land by 20% and determined the same at the rate of Rs.33,781/- per acre with all consequential benefits and interest at the rate of 9 per cent per annum under Section 28 of the Act.

7. Aggrieved by the impugned judgment and order passed by the High Court, the appellant-claimant has approached this Court by way of the present Civil Appeal.

8. We have heard learned counsel for the parties to the *lis* and carefully perused the records of the case.

9. In the peculiar facts and circumstances of the case, we are of the considered opinion that the amount awarded by the High Court be further enhanced by a sum of Rs.66,219/- per acre.

10. Accordingly, we modify the judgment and order passed by the High Court and enhance the amount awarded by the High Court by a sum of Rs.66,219/-. The appellant-claimant is now entitled for a total compensation of Rs.1,00,000/- per acre along with all statutory benefits in accordance with law.

11. The present appeal is allowed to the extent indicated above. No order as to costs.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI;
MAY 13, 2015.

ITEM NO.107

COURT NO.1

SECTION IV

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). 3107/2007

MULLA IRFAN ALI

Appellant(s)

VERSUS

STATE OF M.P. & ANR.

Respondent(s)

(with office report)

Date : 13/05/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROYFor Appellant(s) Mr. Jayant Kumar Mehta, Adv.
Ms. Madhavi Khare, Adv.
Mr. Saurabh Dev Karan Singh, Adv.

For Respondent(s) Mrs. B. Sunita Rao, Adv.

UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed to the extent indicated in the
order with no order as to costs, in terms of the signed order.(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)(Vinod Kulvi)
Asstt.Registrar