

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).9549 OF 2010

GANGABAI @ UMABAI & ORS. . . . APPELLANT(S)

VERSUS

SPECIAL LAND ACQN. OFFICER . . . . RESPONDENT(S)

O R D E R

1. This appeal arises from the judgment and order dated 20.07.2009 passed by the High Court of Karnataka, Circuit Bench at Gulbarga in M.F.A. No.6188 of 2008.

2. We have heard the learned counsels for the parties and perused the relevant material.

3. The appellants/land-owners are aggrieved by the amount of compensation for acquisition of their land which was enhanced by the High Court to Rs.1.50 lakhs per acre. The method adopted for grant of compensation is the capitalization method i.e., determination of compensation by assessing the yield of agricultural products of the land and

the value thereof. A multiplier of 10 was adopted to calculate the total amount awardable.

4. Having read and considered the orders of the reference Court and the High Court, we find that Exhibits P-20, P-56 and P-57 were brought on record by the claimants for the purposes of determination of the yield of groundnut, sunflower and bengal-gram crops and other crops grown on the land, whereas Exhibit P-59 was brought on record for the purpose of establishing the price of the said crops.

5. The reference Court took note of the fact that the said documents were issued by persons having specialized experience in the field (eg. PW-2, who had issued Exhibit P-56) and that Exhibit P-20 was issued by the Associate Director of Research, Regional Research Station, Bijapur (a Governmental Organization). Similarly, Exhibit P-57, which is the yield book, was issued by the University of Agricultural Science, Dharwad. However, the reference Court thought it proper

to take note of the fact that there was no positive evidence coming from the side of the claimants as regards the use/practice adopted for obtaining the highest yield of the different crops and also the fact that the claimants had not adduced any proof of income. Consequently, the reference Court determined the compensation package on the following calculations :

| Sl. No. | Crop        | Yield per acre | Average Rate | Total       |
|---------|-------------|----------------|--------------|-------------|
| 1       | Groundnut   | 10 quintals    | Rs.1,000/-   | Rs.10,000/- |
| 2       | Sunflower   | 10 quintals    | Rs.1,000/-   | Rs.10,000/- |
| 3       | Bengal gram | 15 quintals    | Rs.1,100/-   | Rs.15,500/- |
|         | Other crops |                | Total        | Rs.36,500/- |

Insofar as the second crop grown on the land is concerned, the reference Court, taking into account that the said crop was bound to give a lesser yield, thought it proper to deduct 50% towards cost of cultivation.

6. The High Court, in appeal, enhanced the compensation by increasing the yield per acre from 10 to 15 quintals for groundnut and

sunflower. The yield of 15 quintals per acre for bengal-gram fixed by the reference Court was maintained by the High Court. The value of all crops raised was fixed at Rs.1,100/- per quintal. So far as the second crop is concerned, the deduction was reduced to 25% towards the cost of cultivation.

7. In the yield certificate, exhibited before the reference Court, the yield of groundnut is mentioned as between 20 to 25 quintals for dry lands and 25 to 30 quintals for wet lands; for sunflower, the yield is mentioned between 20 to 25 quintals and for bengal-gram, it was mentioned between 20 to 25 quintals. So far as the price is concerned (Exhibit 59), the price mentioned is Rs.1,250/- for groundnut and sunflower and Rs.1,350/- in respect of bengal-gram.

8. We have considered the matter and also taken into account the source from which exhibits referred to above have been laid before the Court and the Authority which had issued the same. The reasons advanced by the

reference Court, like materials to show the extent of modern scientific technology used in raising the crop is certainly a valid and reasonable basis for determination of compensation. Yet taking into account the ground realities and the fact that the land-owners/agriculturists would have tried their utmost to get the maximum yield, we, in the facts of the present case, are of the view that the yield of groundnut and sunflower enhanced from 10 to 15 quintals per acre by the High Court should receive a further enhancement to 20 quintals per acre. A similar enhancement i.e. 20 quintals per acre in respect of bengal-gram also would be justified.

9. Insofar as the price of the different species of crop is concerned, we have already taken note of the fact that the reference Court has held that the claimants had not produced any proof of income. If that be so, the rate fixed by the High Court i.e. Rs.1,100/- per quintal for all items appear to

be reasonable and would not require any interference by us.

10. Accordingly, the rate fixed by the High Court for groundnut, sunflower and bengal-gram and other crops i.e. Rs.1,100/- per quintal is maintained. Consequently, we allow the appeal to the extent indicated above and direct that additional compensation in terms of the present order along with all statutory benefits, as may be due, be paid to the appellants/land-owners as expeditiously as possible and in any case within a period of three months from the date of receipt of this Order.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(PRAFULLA C. PANT)

NEW DELHI  
JULY 27, 2016

REVISED

ITEM NO.102

COURT NO.6

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). 9549/2010

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Appellant(s)

VERSUS

SPECIAL LAND ACQN. OFFICER

Respondent(s)

Date : 27/07/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Kiran Suri, Sr. Adv.  
Mr. Mallikarjun S. Mylar, Adv.  
Mr. Ashok Bannidinni, Adv.  
Mr. Amith S.J., Adv.  
Mr. A. Radhakrishnan, Adv.

For Respondent(s) Mr. V.N. Raghupathy, Adv.  
Mr. Parikshit P. Angadi, Adv.  
  
Ms. E. R. Sumathy, Adv.

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

The appeal is allowed in terms of the signed  
order.

(Neetu Khajuria)  
Court Master

(Asha Soni)  
Court Master

(Signed order is placed on the file.)

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