

notification and thereafter at the rate 15% per annum. Parties to bear their respective costs.

(O.P. Sharma) (Neelam Arora)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5679 OF 2010
(Arising out of SLP (Civil) No. 4125/2006)

BASAPPA ... APPELLANT

Vs.

L.A.O. & ASSTT. COMMISSIONER, KOPPAL & ANR. ... RESPONDENTS

WITH

CIVIL APPEAL NO. 5680 OF 2010
(Arising out of SLP (Civil) No. 6246/2006)

M.SATHYANARAYANA & ORS. ... APPELLANTS

Vs.

L.A.O. & ASSTT. COMMISSIONER, KOPPAL & ANR. ... RESPONDENTS

O R D E R

Leave granted. Heard the parties.

2. Under a preliminary notification dated 17.7.1997 several lands were acquired for construction of "Singanal Feeder Pick Up Canal" in Gundur Village, Gangavathi Taluk, Koppal District, Karnataka. The first case relates to acquisition of 37 guntas of lightly irrigated land and the second case relates to acquisition of 15 guntas of irrigated land.

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3. In the first matter by adopting the comparative sales statistics method, the Land Acquisition Officer determined the compensation as Rs.51,000/- per acre which

was ultimately affirmed by the High Court by the impugned judgment dated 27.9.2005. In the second matter, by adopting capitalization method, the High Court arrived at the compensation as Rs.1,29,400/- per acre. The respective land owners have filed these appeals by special leave seeking further enhancement.

4. In respect of other irrigated lands acquired under the same notification, the High Court by its judgment dated 13.7.2007 (Shankaranthi Muralikrishna v. Land Acquisition Officer & Anr. in M.F.A. No.1427/2006 and connected cases decided on 13.7.2007) determined the market value as Rs.1,80,000/- per acre. Shri Sanjay Hegde, learned counsel for the respondents does not dispute that the said judgment has attained finality. It is also not disputed that the irrigated land in the second case is similarly situated when compared to the lands considered in Shankaranthi Muralikrishna. In view of the above, the compensation in regard to irrigated land in the second case is increased from Rs.1,29,400/- to Rs. 1,80,000/- per acre.

5. In so far as the first case is concerned, it is not
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in dispute that the land is classified as lightly irrigated land as contrasted from the irrigated land which is the subject matter of the second case. For valuation of lightly irrigated land with reference to irrigated land, as per the practice in Karnataka, the ratio of 2:3 can be adopted. Therefore if the market value of irrigated land is Rs.1,80,000/- per acre, the market value of lightly irrigated land will be Rs.1,20,000/- per acre. Thus, we determine the market value for the lightly irrigated land which is the subject matter of the first case as Rs.1,20,000/- per acre.

6. We accordingly allow these appeals and increase the compensation to Rs.1,20,000/- per acre in the first case and Rs.1,80,000/- per acre in the second case. The claimant will be entitled to all statutory benefits, that is, additional amount under Section 23(1A), solatium under Section 23(2) and interest at the rate of 9% per annum for a period of one year from the date of preliminary notification and thereafter at the rate 15% per annum. Parties to bear their respective costs.

.....J.
(R.V. RAVEENDRAN)

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(H.L. GOKHALE)

New Delhi;
July 13, 2010.

.....J.