

ITEM NO.102(PH)

COURT NO.7

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6063/2011

PUSHPA SADASIVAN

APPELLANT(S)

VERSUS

STATE OF KERALA & ANR.
(WITH INTERIM RELIEF AND OFFICE REPORT)
WITH

RESPONDENT(S)

C.A. NO. 6064/2011
(WITH INTERIM RELIEF AND OFFICE REPORT)C.A. NO. 6065/2011
(WITH INTERIM RELIEF AND OFFICE REPORT)C.A. NO. 9356/2011
(WITH INTERIM RELIEF AND OFFICE REPORT)

C.A. NO. 10421-10428/2011

C.A. NO. 10429/2011

C.A. NO. 1751-1753/2012

SLP(C) NO. 16937/2013
(WITH INTERIM RELIEF AND OFFICE REPORT)SLP(C) NO. 18079/2012
(WITH INTERIM RELIEF AND OFFICE REPORT)

Date : 17/02/2016 These appeals were called on for hearing today.

CORAM :

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

For parties (s)

Mr. C.S. Rajan, Sr. Adv.
Mr. K.N. Bhargavan, Adv.

Signature Not Verified

Mr. V. K. Sidharthan, Adv.

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Vinod Lakhina
Date: 2016.02.19
17:22:02 IST
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Mr. Shishir Pinaki, Adv.
Mr. Tejaswi Kumar Pradhan, Adv.Mr. Jogy Scaria, Adv.
Ms. Beena Victor, Adv.
Mr. Robin Jacob, Adv.

Mr. Ramesh Babu M. R., Adv.

UPON hearing the counsel the Court made the following

O R D E R

CIVIL APPEAL NOS. 1751-1753/2012

Civil Appeal Nos. 1751-1753/2012 are de-tagged, to be heard separately.

CIVIL APPEAL NOS.6063/2011, 6064/2011, 6065/2011, 9356/2011, 10421-10428/2011, 10429/2011, SPECIAL LEAVE PETITION (CIVIL) NOS.16937/2013 AND 18079/2012

Leave granted in the Special Leave Petitions.

The appeals are disposed of in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
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. 6063/2011

PUSHPA SADASIVAN ...APPELLANT

VERSUS

STATE OF KERALA & ANR. ...RESPONDENTS

WITH

CIVIL APPEAL NOS.6064/2011, 6065/2011, 9356/2011, 10421-10428/2011, 10429/2011, CIVIL APPEAL NO.1502 OF 2016 [@SPECIAL LEAVE PETITION (CIVIL) NO.16937/2013] AND CIVIL APPEAL NO.1503 OF 2016 [@SPECIAL LEAVE PETITION (CIVIL) NO.18079/2012]

ORDER

1. Leave granted in the Special Leave Petitions.

2. The claimants are the appellants in this group of appeals which have been filed against the reduction of compensation for land acquisition as made by the High Court.

3. The facts lie within a short

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compass.

4. The acquisition in question in all the appeals is for the purpose of expansion/development of the International Airport, Thiruvananthapuram. As against the enhancement of compensation made by the Reference Court, the State had filed appeals before the High Court for suitable reduction of the compensation amount. Before the High Court, the issue that arose is whether an earlier judgment in Land Acquisition Appeal No.867 of 2008 ought to be followed or it is the judgment passed in Land Acquisition Appeal No.673 of 2010 which should form the basis of consideration by the High Court. The compensation amount in the aforesaid two cases as determined by the High Court was Rs.14 lakh and Rs. 10 lakh per Are. The purpose of acquisition of the land involved

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in the aforesaid two appeals was for widening of Bakery Palayam Airport Road for TRIDA.

5. The order of the High Court does not indicate the reasons as to why the land acquired for the purpose of acquisition for expansion/development of the International Airport was understood to be akin to the land acquired for the purpose of acquisition for widening of Bakery Palayam Airport Road for TRIDA. Though the learned counsel for the State has tried to lay before us necessary materials in this regard to show the close nexus/similarity

between the two we cannot go into the said facts at the instance of the learned counsel for the State in the absence thereof in the order of the High Court. The order of the High Court, in our considered view, ought to have indicated the reasons on the basis of which the High

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Court had considered the land acquired for the purposes of the two acquisitions to be similar so as to enable us to scrutinize the correctness of the same.

6. As already noticed, the acquisition in both the cases i.e. Land Acquisition Appeal No.867 of 2008 and Land Acquisition Appeal No.673 of 2010 was for the purposes of widening of Bakery Palayam Airport Road. The High Court thought it proper to rely on the judgment passed in Land Acquisition Appeal No.673 of 2010 and not the judgment in Land Acquisition Appeal No.867 of 2008. The reasons therefor are also not indicated in the order of the High Court.

7. Even if we assume that the High Court has good reasons to rely on the judgment rendered in Land Acquisition Appeal No.673 of 2010 instead of Land Acquisition Appeal No.867 of 2008, there is no basis to enable us to understand as to

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how and on what basis the High Court had awarded different amounts of compensation, less than Rs.10 lakh (as awarded in Land Acquisition Appeal No.673 of 2010).

8. In the absence of the aforesaid vital reasons the judgment of the High Court is legally fragile. We, therefore, have no option but to set aside the same in each of these appeals and remand the case(s) for a fresh consideration by the High Court in accordance with law.

9. All the appeals shall stand disposed of in the above terms.

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

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

NEW DELHI
FEBRUARY 17, 2016