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SLP(C)No.12093-12095/2000

ITEM No.203

Court No. 5

SECTION XIIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.12093-12095/2000

(From the judgement and order dated 18/11/1998 in AN 1440/92 to
1442/92 of The HIGH COURT OF A.P AT HYDERABAD)

G.M. SUBBARAYUDU & ORS.

Petitioner (s)

VERSUS

MANDAL REVENUE OFFICER, A.P.

Respondent (s)

(For Final Disposal)
(With Office Report)

Date : 19/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Ms. K.Amareswari, Sr.Adv.
Mr. P.Venkat Reddy, adv.
Mr. Venkatesh, adv.
Mr. A. Raghunath, Adv.

For Respondent (s) Mr. Guntur Prabhakar, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Leave granted.
Appeals are allowed.

.SP1

(Suman Wadhwa)
PA to Addl.Regr.

(Ramesh Chand)
Court Master

Signed order is placed on the file.

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.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 755-757 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C)Nos.12093-12095/2000)

G.M.Subbarayudu & Ors. ...Appellant

Vs.

Mandal Revenue Officer, A.P. ...Respondent

ORDER@@
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J....R
.SP2

Leave granted.

The appellants were the claimants in the land acquisition proceedings for which Notification under Sec.4(1) of the Land Acquisition Act was issued on 13.10.1986. Land Acquisition Officer determined the market value of the land at Rs.14,500/- per acre. That was enhanced by the Revenue Court to Rs.55,000/- per acre. When the Government appealed before the High Court the same was reduced to Rs.41,250/- per acre. The aggrieved claimants have therefore filed these appeals.

The reasons shown by the High court for reducing the market value to Rs.41,250/- are these:

.....L.....I.....T.....T.....T.....T.....TJ.
.SP1

We once again went through the entire evidence on record and found that the compensation awarded by the court below is on higherside. While enhancing the compensation, the court below has committed a mistake in not giving any deduction towards developmental activities, in spite of the fact that the

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land was acquired for the purpose of providing house sites to the Scheduled Tribe and Backward Classes. In our view, it is quite reasonable to give 1/4th deduction from the amount of compensation awarded by the court below, towards developmental activities, as the land was acquired for providing the house-sites. Therefore, the claimants are entitled for the compensation of Rs.41,250/- per acre as against Rs.55,000/- per acre granted by the court below.

.....L.....I.....T.....T.....T.....T.....T.....T.....TJ
.SP2

We feel that the exercise made by the High Court was not called for as the Reference Court has chosen to make a deduction of 33% from the value of the adjoining lands. Of course, the Reference Court in determining the market value of the adjoining land made a guess work from the value indicated in Exhibit A.1 and A.2 which were the

documents of sale relating to such adjoining lands. They were of the year 1984 wherein the market value fixed was Rs.50,000/- per acre. The Reference Court felt that when the crucial date was 13.10.1986 the market value of the adjoining land, when worked out on the basis of the value indicated in the two documents could have appreciated up to Rs.80,000/- per acre. Though it is a guess work the same cannot be said to be devoid of merits or reasons. Such guess work is indispensable sometimes for determining the market value of any land. Having found that the adjoining lands have got a market value of Rs.80,000/- per acre the Reference Court made a deduction of 33% towards development charges etc. therefrom.

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In the light of such deduction we do not think it that it is proper to make a further deduction therefrom. What the High Court had done therefore cannot be sustained.

In the result we allow these appeals and set aside the impugned judgment of the High Court.

.SP1

.....J.
(K.T. Thomas)

New Delhi;
January 19,2001.

.....J.
(R.P.Sethi)