

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2337 OF 2021
(Arising out of SLP(C)No.8710 of 2021)
[Diary No. 11037 of 2021)

BANDI PADMAVATHAMMA

Appellant(s)

VERSUS

THE SPECIAL DEPUTY COLLECTOR (LAND ACQUISITION)

Respondent(s)

WITH

CIVIL APPEAL NO. 2339 OF 2021
(Arising out of SLP(C)No. 8712 of 2021)
[Diary No. 10501 of 2021)

CIVIL APPEAL NO. 2340 OF 2021
(Arising out of SLP(C)No. 8713 of 2021)
[Diary No. 10808 of 2021)

CIVIL APPEAL NO. 2338 OF 2021
(Arising out of SLP(C)No. 8711 of 2021)
[Diary No. 10493 of 2021)

CIVIL APPEAL NO. 2341 OF 2021
(Arising out of SLP(C)No. 29935 of 2018)

CIVIL APPEAL NO. 2342 OF 2021
(Arising out of SLP(C)No. 29936 of 2018)

CIVIL APPEAL NO. 2343-44 OF 2021
(Arising out of SLP(C)No. 8714-15 of 2021)
[Diary No. 33785 of 2018)

CIVIL APPEAL NO. 2345 OF 2021
(Arising out of SLP(C)No. 5708 of 2019)

CIVIL APPEAL NO. 2346 OF 2021
(Arising out of SLP(C)No. 8716 of 2021)
[Diary No. 4349 of 2021)

O R D E R

Delay condoned.

Leave granted.

The short question involved in all these cases is about the rate of compensation to be provided for pomegranate trees affected due to acquisition of land post 1990. The appellant(s) are relying on series of judgments passed by this Court concerning the same project, wherein this Court awarded Rs.3000/- per pomegranate tree.

Mr. Mahfooz Ahsan Nazki, learned counsel appearing for the respondent, on the other hand, has invited our attention to the judgment in Civil Appeal No. 9288 of 2017 titled *K. Subbarayudu and Ors. Vs. Special Deputy Collector (LAND Acquisition)* dated 19.07.2017 (Two-Judge Bench), wherein this Court distinguished the decision dated 29.11.2016 in Civil Appeal Nos.11404-11405 of 2016 titled *Pidugu Kondala Rayudu Vs. The Special Deputy Collector (LA)*, which is one of the relied upon judgments by the appellant(s). While distinguishing the said judgment, the Court noted thus:

"16. In the facts and circumstances of the said case,

in C.A. Nos. 11404-405 of 2016, considering the cost of planting and efforts involved in growing trees in general and in particular raising the pomegranate trees over the efflux of time, this Court deemed it appropriate to award Rs.3,000/- as compensation for each of the pomegranate tree.

17. However, the compensation of Rs. 3000/- per pomegranate tree, as has been awarded in the abovementioned case, cannot be made applicable to the present case, considering the fact that award of compensation by Land Acquisition Officer in the said case dated 08.03.1999, as opposed to award in the present case which is dated 30.01.1992. A period of about seven years is a considerable period to be taken note of while computing cost of planting and raising fruit bearing trees. It is obvious that seven years back a fruit bearing tree would have fetched lesser income than it would fetch now. In the facts and circumstances of the present case and taking into consideration that the appellants were also awarded compensation for the land, we deem it appropriate to award compensation of Rs. 1500/- for each pomegranate tree. "

Whereas, it is urged by the appellant(s) that the judgment in the case of *Pidugu* (supra), referred to above, had been considered by a Three-Judge Bench in Civil Appeal No. 11355 of 2018 titled *D. Eswara Naidu & Ors. versus The Special Deputy Collector (L.A) dated 20.11.2018*, which read thus:

"1. Leave granted.

2. The issue raised in these appeals pertains to the claim made by the appellants for enhancement of compensation for pomegranate trees, which stood in the land acquired for the purpose of Somashila/Telugu Ganga Project. The notifications in these cases have been issued on different dates between 1990 to 1994. The appellants have been granted compensation at the rate of Rs. 2000/- per Pomegranate Tree. We find from Civil Appeal Nos. 11404-11405 of 2016 that this Court has fixed compensation at the rate of Rs. 3,000/- per pomegranate tree, as against the Rs. 2000/- fixed by

the High Court, in respect of the acquisition for the same project, for which notification was issued in the year 1994. Having regard to the entire facts and circumstances of the case, we are of the view that it would be just, reasonable and proper to fix the compensation at the rate of Rs. 3,000/- per Pomegranate Tree. Therefore, these appeals are disposed of with the following directions: -

(i) The appellants shall be entitled to compensation at the rate of Rs. 3,000/- (Rupees Three Thousand) per Pomegranate Tree along with all statutory benefits.

(ii) However, they shall not be entitled to statutory interest for the period of delay in approaching this Court or the High Court.

(iii) The compensation to the claimants shall be made within three months from today."

(emphasis supplied)

As aforesaid, more than one judgment of this Court had been relied upon by the appellant(s), wherein this Court awarded Rs.3000/- per pomegranate tree for the same project. The judgment relied upon by the respondent-State in the case of *K. Subbarayudu* (supra), therefore, is an exceptional case for the reasons recorded by the Court. The consistent view including of the Three-Judge Bench of this Court has been to award Rs.3000/- per pomegranate tree to the claimants as compensation, in respect of the same project.

We would follow that course as we find that the reasons noted by the Court, as can be culled out from the judgment in *Pidugu* (supra) commend to us and also because it has also been affirmed by subsequent Three-Judge

Bench. The same reads thus:

"...As pointed out earlier, the judgment in A.S. No. 1749 of 2004 relates to the Notification of the year 1977 by which the High Court has awarded compensation of Rs. 2,000/- per each pomegranate tree. Over the efflux of time, the cost of planting and raising the pomegranate tree has increased multifold and the the yield therefrom would fetch more income for the appellant. The High Court ought not to have reduced the compensation to Rs. 2,000/- per each tree.

Having regard to the efflux of time and the facts and circumstances of these appeals, we deem it proper to award Rs.3,000/- as compensation for each of the pomegranate tree in Survey Nos. 510 and 511/1. The appellants shall also be entitled to all statutory payments like solatium and interest on the same."

(emphasis supplied)

Notably, the notification in the case of *Pidugu* (supra) was issued on 30.04.1994; and the Three-Judge Bench had noted that the notification in the cases considered in the concerned case pertained to different dates between 1990 to 1994.

Taking overall view of the matter, therefore, all these appeals are disposed of on the same terms as ordered by the Three-Judge Bench, which read thus:

(i) The appellants shall be entitled to compensation at the rate of Rs. 3,000/- (Rupees Three Thousand) per Pomegranate Tree along with all statutory benefits.

(ii) However, they shall not be entitled to statutory interest for the period of delay in approaching this Court or the High Court.

(iii) The compensation to the claimants shall be made within three months from today."

No order as to costs.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi
July 07, 2021

ITEM NO.25+28
XII-A

Court 4 (Video Conferencing)

SECTION

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11037/2021

(Arising out of impugned final judgment and order dated 22-10-2018 in LAAS No. 295/2018 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

BANDI PADMAVATHAMMA

Petitioner(s)

VERSUS

THE SPECIAL DEPUTY COLLECTOR (LAND ACQUISITION)

Respondent(s)

(IA No.59984/2021-CONDONATION OF DELAY IN FILING[TO BE TAKEN UP ALONG WITH ITEM NO.28 I.E. SLP(C) No. 29935/2018])

WITH

Diary No(s). 10501/2021 (XII-A)

(IA No.58863/2021-CONDONATION OF DELAY IN FILING)

Diary No(s). 10808/2021 (XII-A)

(IA No.58505/2021-CONDONATION OF DELAY IN FILING and IA No.58506/2021-APPLICATION FOR SUBSTITUTION and IA No.58508/2021-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Diary No(s). 10493/2021 (XII-A)

(FOR ADMISSION and I.R. and IA No.57683/2021-CONDONATION OF DELAY IN FILING)

SLP(C) No(s). 29935/2018

(IA No. 31157/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 29936/2018 (XII-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 33802/2018)

Diary No(s). 33785/2018 (XII-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 159834/2018 and FOR CONDONATION OF DELAY IN REFILING ON IA 159835/2018 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 159836/2018)

SLP(C) No. 5708/2019 (XII-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 27467/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 27501/2019)

Diary No(s). 4349/2021 (XII-A)

(FOR ADMISSION and I.R. and IA No.26680/2021-CONDONATION OF DELAY IN FILING and IA No.26985/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr.B.H. Marlapalli, Sr. Adv.
Mr. Deepak Nargolkar, Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
Mr. Abhijit Sengupta, AOR
Mr. Debojit Borkakati, AOR

Mr. Gurinder Pal Singh, Adv.
Mr. Nitin Mangla, Adv.
Mr. Sidharth Borah, Adv.
Mr. Rajat Joseph, AOR

For Respondent(s)

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. K.V. Girish Chowdary, Adv.

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

Delay condoned.

Leave granted.

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

Pending applications, if any, stand disposed of.

(DEEPAK SINH)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

[Signed order is placed on the file]