

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(s).5410-5411 OF 2007

RUTHALA KANNAYYA & ANR.

Appellant (s)

VERSUS

LAND ACQUISITION OFFICER

Respondent(s)

(With office report)

WITH
Civil Appeal NO. 5494-5506 of 2007

(With office report)

Civil Appeal NO. 5469 of 2007

(With office report)

Civil Appeal NO. 5466-5468 of 2007

(With office report)

Civil Appeal NO. 5470-5474 of 2007

(With appln.(s) for substitution and office report)

Civil Appeal NO. 5507-5511 of 2007

(With appln.(s) for substitution and office report)

Date: 25/08/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Sibor Sankar Mishra, Adv.

For Respondent(s) Ms. C.K. Sucharita, Adv.
Mr. Nirada Das, Adv.

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

Applications for substitution are
allowed for the limited purpose of these
appeals.

In terms of the signed order, these
appeals are allowed and the orders of the High
Court are set aside and the matters are
remitted to the Reference Court for fresh
consideration and determination of compensation
after giving the parties due opportunity to
adduce further evidence.

1

(O.P. Sharma)
Court Master(M.S. Negi)
Court Master

(Signed order is placed on the file)

2

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5410-5411 OF 2007

RUTHALA KANNAYYA & ANR.

... APPELLANTS

Vs.

With

Civil Appeal	No.	5466-5468	of	2007
Civil Appeal	No.	5469	of	2007
Civil Appeal	No.	5470-5474	of	2007
Civil Appeal	No.	5494-5506	of	2007
Civil Appeal	No.	5507-5511	of	2007

O R D E R

CIVIL APPEAL NOS. 5410-5411 AND 5469 OF 2007

These appeals are filed by the land owners in regard to an acquisitions initiated under notifications dated 17.8.1981 and 5.8.1981 issued under Section 4(1) of the Land Acquisition Act, 1894 ('Act' for short) in regard to lands situated in Block 'V' of 'Z' Gangavaram village, Vishakapatnam District, for the purpose of laying a canal for supply of water to Vishakapatnam Steel Plant. The Land Acquisition Officer awarded compensation at the rate of Rs.6207/- per acre for wet land and Rs.2187/- per acre for dry land. The Reference Court increased the compensation

3

to Rs.71,500/- per acre for wet as well as dry lands plus separate compensation for the trees. Feeling aggrieved, the Land Acquisition Officer filed appeals. The High Court by the impugned judgment dated 27.9.2002 held that there was no satisfactory or acceptable material before the Reference Court to increase the compensation and consequently set aside the compensation of Rs.71,500/- per acre awarded by the Reference Court and restored the award of Rs.6207/- per acre for wet land and Rs.2187/- per acre for dry land by the Land Acquisition Officer. The said judgment is challenged in these appeals.

CIVIL APPEAL NOS. 5466-5468 OF 2007

2. These appeals are filed by the land owners in regard to an acquisition initiated under Notification dated 3.8.1981 issued

under section 4(1) of the Act in regard to lands in Yendapalli village, for laying of a canal for supply of water to Vishakapatnam Steel Plant. The Land Acquisition Officer awarded Rs.7170/- per acre for wet lands and Rs.3030/- per acre for the dry lands. The Reference Court increased the compensation to Rs.60,000/- per acre plus separate compensation for trees. The High Court set aside the award of the Reference Court and restored the award of the LAO on the ground that there was no independent and reliable evidence which could be the basis for higher compensation.

CIVIL APPEAL NOS. 5470-5474 OF 2007

4

3. These appeals are filed by the land owners in regard to an acquisition initiated under Notification dated 31.10.1985 issued under Section 4(1) of the Act in regard to land in Block III of M.B. Patnam village for formation of a canal for supply of water to Vishakhapatnam Steel Plant. The Land Acquisition Officer awarded Rs.15,700/- per acre plus value of the trees. The Reference Court increased the compensation to Rs.1,00,000/- per acre. The High Court held that there was no acceptable evidence to support the increase and restored the award by the LAO (Rs.15,700/-) with an increase of 22%, that is Rs.19,150/- per acre, including trees.

CIVIL APPEAL NOS. 5494-5506 OF 2007

4. These appeals are filed by the land owners in regard to an acquisition initiated under Notification dated 5.1.1985 issued under Section 4(1) of the Act in regard to land in Block II of Srungavaram village for laying a canal for supply of water to Vishakapatnam Steel Plant. The Land Acquisition Officer awarded Rs.9000/- per acre for dry land and Rs.17,000/- per acre for the wet land. The Reference Court increased the compensation to Rs.1,13,000/- per acre, apart from awarding compensation for the trees, well and house. The High Court held that there was no acceptable evidence to support the award of Rs.1,13,000/- awarded

by the Reference Court. It also held that there could be no separate award for trees, well or house. It restored the award of the LAO by adding 10% for the dry land and 12% for the wet land

5

thereby arriving at the figure of Rs.9900/- per acre for dry lands and Rs.19,000/- for wet lands and set aside the award made for trees, well and house.

CIVIL APPEAL NOS. 5507-5511 OF 2007

5. These appeals are filed by the land owners in regard to an acquisition initiated under Notification dated 10.11.1985 issued under Section 4(1) of the Act in regard to land in Block IV, Jilledupalli village for laying a canal for supply of water to Vishakapatnam Steel Plant. The Land Acquisition Officer awarded Rs.20,000/- per acre for the wet land and dry land where wet crops were raised and Rs.15,000 for the dry land where dry crops were raised. The Reference Court increased the compensation to Rs.1,50,000/- for the dry land Rs.1,55,000/- for the dry land with wet crops plus separate compensation of the trees. The High Court held that there was no acceptable evidence to support the increase by the Reference Court. Therefore it set aside the award by the Reference Court and merely raised the amount awarded by the Land Acquisition Officer by 50%, and awarded Rs.30,000/- per acre for wet land/dry land with wet crops and Rs.22,500/- per acre for dry lands respectively.

Common decision

6. Similar matters from the neighbouring village came up before this Court in Kolusu Raja Rao & Ors. v. Land Acquisition Officer & Spl.Deputy Collector in Civil Appeal Nos.2848-2851 of

6

2002. There also the High Court had set aside the enhancement by the Reference Court and restored the compensation awarded by the Land Acquisition Officer. This Court allowed the said appeals by order dated 19.4.2002 and remitted the matter to the Reference

Court for fresh consideration on the following reasoning:

"On appeal by the Land Acquisition Officer, the High Court felt that there was no acceptable evidence to come to the conclusion that the compensation awarded by the Reference Court was justified in any manner. If there was no satisfactory material, the High Court ought to have set aside the order under appeal before it and remitted the matter to the Reference Court for fresh consideration rather than merely confirming the award made by the Land Acquisition Officer....."

7. We are of the view that these appeals also deserve to be allowed on the same terms, as the High Court did not choose to give another opportunity to let additional evidence. Therefore, following the said decision, these appeals are allowed and the orders of the High Court are set aside and the matters are remitted to the Reference Court for fresh consideration and determination of compensation after giving the parties due opportunity to adduce further evidence.

[R. V. RAVEENDRAN] J.

NEW DELHI
AUGUST 25, 2011

[A.K. PATNAIK] J.