

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). 186-187 OF 1998

CHURCH OF SOUTH INDIA TRUST ASSN.

Appellant (s)

VERSUS

LAND ACQUISITION OFFICER & TEHSILDAR

Respondent(s)

(With appln(s) for permission to file additional documents and office report ))

WITH SLP(C) NO. 3245 of 1999(With appln.(s) for c/delay in filing SLP and  
With office report)

Date: 02/03/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Appellant(s)

Mr. Shanti Bhushan, Sr.Adv.

Mr. N.Manmohan Raj, Adv.

Mr. SanjayK. Pathak, Adv.

Ms. T. Shanthi, Adv.

Mr. A.T.M. Sampath,Adv.

Mr. R. Sunderavardhan, Sr. Adv.

Mr. Manoj Saxena, Adv.

Mr. Amit Meharia, Adv.

Ms. Samina Ahmad, Adv.

Mr. Mohanprasad Meharia, Adv.

For Respondent(s)

Mr. R. Sunderavardhan, Sr. Adv.

Mr. Manoj Saxena, Adv.

Mr. Amit Meharia, Adv.

Ms. Samina Ahmad, Adv.

Mr. Mohanprasad Meharia,Adv.

Mr. B. Sridhar Reddy, Adv.

Mr. K. Ram Kumar ,Adv

Mr. P. Narasimhan ,Adv

Ms. Asha Gopalan Nair

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

No order as to the costs.

(Ajay Kr. Jain)  
(Vijay Dhawan)

Court Master  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 186-187 OF 1998

Appellant

Church of South India Trust Association

Versus

Land Acquisition Officer & Tehsildar  
Respondents

WITH

CIVIL APPEAL NO. 1397 OF 2006

(Arising out of SLP(C) No. 3245 of 1999)

O R D E R

Civil Appeal Nos. 186-187/1998 have been preferred by the appellant Church of South India

Trust Association, Armoor against the common judgment and order of the High Court of Judicature at

Andhra Pradesh, Hyderabad dated 18.12.1996 in Appeal No. 1582 of 1991 and cross objections.

The Land Acquisition Officer also has preferred Special Leave Petition No. 3245/1999

impugning the same judgment and order. Notice was issued in the aforesaid Special Leave Petition and we

have heard counsel for the parties. Delay condoned. Leave granted.

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With the consent of the counsel for the parties the appeal arising out of SLP(C) No. 3245/1999

is also being disposed of alongwith C.A. Nos. 186-187/1998.

A notification was issued under Section 4(1) of the Land Acquisition Act, 1894(hereinafter

referred to as 'the Act'), published in the Gazette on 24.10.1978. Possession of the land in question was taken

on 5.1.1979. By his Award made on 27.1.1983, the Land Acquisition Officer fixed the market value of the land

in question at Rs. 9,000/- per acre. The claimants sought a reference under Section 18 of the Act and claimed

compensation @ Rs.175/- per Sq.Yd. After the matter was referred under Section 18 of the Act, the parties

produced evidence before the Reference Court in support of their respective claims. Before the Reference

Court as many as 30 documents had been filed on behalf of the appellant-Trust, namely, Exh. A-1 to A-29 and

Exh. X-1. The Land Acquisition Officer also examined oral evidence and got an Award marked Exh. B-1. On

consideration of the evidence on record, the Reference Court came to the conclusion that the market value of

the acquired land was Rs. 30/- per Sq. Yd. and after deducting 20% (1/5th) for development expenses,

awarded compensation @ Rs. 24/- per Sq. Yd. apart from the statutory benefits under the Act.

...3/-

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Aggrieved by the Award of the Reference Court, the Land Acquisition Officer as well as the

Trust preferred appeals before the High Court.

The High Court observed that only Exh. A-8 and Exh. X-1 had been duly proved by examining

a person connected with the transaction recorded in those documents. In this view of the matter, the High

Court did not consider it necessary to consider the remaining documents. Thus, Exhibits produced by the

appellant-Trust as evidence before the Reference Court, were not looked into and kept out of consideration by

the High Court. Mr. Shanti Bhushan, learned senior counsel appearing for the appellant-Trust submitted

that the High Court took this view having regard to the earlier judgments of this Court which had considered

the legal implications of Section 51-A of the Act which came into force by way of amendment to the Act in the

year 1984. He drew our attention to the judgment of this Court in the case of Land Acquisit

ion Officer &

Mandal Revenue Officer Vs. V. Narasaiah (2001) 3 SCC, 530 and a later Constitution Bench decision of this

Court in the case of Cement Corporation of India Ltd. Vs. Purya & Ors. (2004) 8 SCC, 270. Having regard to

the law laid down by this Court in the aforesaid decisions, it could not be disputed before us by the parties

that registered sale deeds of exemplars must be admitted in evidence and considered by the Court in

accordance with the principles laid down in the aforesaid judgments.

...4/-

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Thus, we must conclude that evidence which was admissible under Section 51-A of the Act was

kept out of consideration by the High Court and this has vitiated the judgment of the High Court.

We do not wish to refer to the facts of the case and the evidence on record lest it may prejudice

the case of the parties because we propose to remit the matter to the High Court for a fresh consideration of

the material on record in the light of the decisions of this Court.

We should not be understood to have

expressed any opinion on the merit of the matter and it will be open for the High Court to consider the

evidence on record in accordance with law.

In the result, the impugned judgment and order of the High Court is set aside and the matter

remitted to the High Court for fresh consideration of the appeals and the cross objections in accordance with

law. Since the matter has been considerably delayed, we request the High Court to dispose of the appeals and

cross objections as early as possible.

The appeals are accordingly allowed.

No order as to the costs.

.....J.

(B.P. SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi

March 02, 2006