

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5382 OF 2010

SHAIK RAHEEMBEE & ANR.

...APPELLANT(S)

VERSUS

SPL.DY.COLLECTOR, LAND ACQON OFFICER

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and perused the relevant material.

In this appeal, we are concerned about the value of 654 Lemon Trees in the land acquired by the Government for a public purpose i.e. "foreshore submersion of Kandleru Reservoir Project".

Notification under Section 4(1) of the Land Acquisition Act was published in the Government Gazette dated 09.04.1984. The Land Acquisition Officer after taking note of the various aspects fixed Rs.65/- per tree as compensation. When the matter was taken before the Reference Court, it had fixed Rs.80/- per tree and which was confirmed by the High Court.

Learned counsel appearing on behalf of the appellants by drawing our attention to the decision of this Court reported in 2011 (3) SCALE 17 titled Shaik Imambi Vs. Special Deputy Collector (Land Acquisition), Telegu Ganga Project, submitted that in similar circumstances, namely, for the formation of very same public purpose and taking note of various aspects, this Court enhanced and fixed the value of Lemon Trees at the rate of Rs.140/-per tree.

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Learned counsel appearing on behalf of the respondent-State has brought to our notice that the said decision relates to the land acquired in the year 1988 whereas the case on hand relates to the year 1984.

It is not in dispute that both the lands were acquired for the very same public purpose and we are concerned with the value of Lemon Trees in both the lands. Taking note of these aspects and following the said reported decision, we fix the value of Lemon Trees at the rate of Rs.140 per tree. Appellants are also entitled for all statutory benefits. To this extent, the appeal is allowed. No costs.

.....CJI.  
[P. SATHASIVAM]

.....J.  
[RANJAN GOGOI]

NEW DELHI  
9th APRIL, 2014

.....J.  
[N.V. RAMANA]

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ITEM NO.109

COURT NO.1

SECTION XIIA

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). 5382 OF 2010

SHAIK RAHEEMBEE & ANR.

Appellant (s)

VERSUS

SPL.DY.COLLECTOR, LAND ACQN OFFICER

Respondent(s)

Date: 09/04/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s)

Mr. V.Sridhar Reddy,Adv.  
Mr. V.N. Raghupathy,Adv.

For Respondent(s)

Ms. C.K. Sucharita,Adv.

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

Heard learned counsel for the parties and  
perused the relevant material.

The appeal is allowed in terms of the signed  
order. No costs.

[ Madhu Bala ]  
Court Master

[ Savita Sainani ]  
Assistant Registrar

(Signed order is placed on the file)