

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2199 OF 2001

LAND ACQUISITION OFFICER-CUM-RDO

Appellant (s)

VERSUS

N. VENKATARAMANA & ORS.

Respondent(s)

Date: 18/02/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s) Mr. R.Sundaravardhan, Sr. Adv.
Mr. Manoj Saxena, Adv.
Mr. Abdul R.Tambolkar, Adv.for
Mr.T.V.George,Adv.

For Respondent(s) Mr. A.T.M. Sampath,Adv.

UPON hearing counsel the Court made the following
ORDER

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2199 OF 2001

Land Acquisition Officer-cum-RDO

..Appellant

versus

N.Venkataramana & others

..Respondents

ORDER

Heard learned counsel for the parties.

This appeal has been filed against the impugned judgment of the High Court of Andhra Pradesh at Hyderabad dated 07th March, 2000 passed in Appeal No.1581 of 1996.

We have carefully perused the impugned judgment and we are

of the opinion that it is not sustainable because the High Court has taken into consideration Ex.B.2 under which only an extent of 20 square yards land was sold at the rate of Rs.50/- per square yard whereas the area of total land which was acquired in the present case was about ten acres.

It is settled by this Court in a series of decisions that exemplars of a smaller area of land cannot be taken into consideration while determining the compensation to be paid for a larger area of land acquired under the Land Acquisition Act, 1894. [See Union of India vs. Zila Singh & Others (2003) 10 SCC 166; Union of India & Another vs. Ram Phool & Another (2003) 10 SCC 167; Ranvir Singh & Another vs. Union of India (2005) 12 SCC 59 etc.etc.]. Even otherwise, Ex.B.2 under which an extent of 20 square yards land was sold at the rate of Rs.50/- per square yard was a post notification sale deed which, according to us, should not have been taken into consideration by the High Court while determining the compensation for a larger area of acquired land of about ten acres.

We, therefore, allow this appeal, set aside the impugned judgment of the High Court dated 07th March, 2000 and restore that of the reference Court dated 21st December, 1995. No order as to costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
FEBRUARY 18, 2009.

.....J.
[B.SUDERSHAN REDDY]