

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS .3196-3197 OF 2007

GOURABAI(D) THR.LRS.

.. APPELLANT(S)

VERSUS

THE ASSISTANT COMMISSIONER & ORS.

.. RESPONDENT(S)

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court of Karnataka at Bangalore in M.F.A Nos.1601 and 2752 of 1996, dated 17.12.2002.

2. The State Government issued a notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") dated 09.01.1986 to acquire certain land. The land belonging to the claimant measuring 2 acres and 24 gunthas was situated at

Chikodi in Chikodi Taluka, Belgaum District,

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Charanjeet Kaur
Date: 2015.11.26
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Reason:

2

Karnataka. The declaration under Section 6 of the Act came to be issued on 01.01.1987.

3. The Land Acquisition Collector (for short, "the LAC") determined the compensation payable for the acquired lands at Rs.19,240/-, by award dated 27.07.1987.

4. The claimants, not being satisfied with the compensation awarded by the LAC, approached the LAC and sought for a reference under Section 18 of the Act to the Reference Court for enhancement of the

compensation.

5. The Reference Court enhanced the compensation to Rs.5.45/- per sq. ft., by order dated 22.12.1995.

6. Aggrieved by the aforesaid order of the Reference Court, the respondent-herein filed an appeal before the High Court.

3

7. The High Court allowed the appeal in-part and reduced the compensation to the rate of Rs.3.25/- per sq. ft., by order dated 17.12.2002.

8. Aggrieved by the aforesaid judgment and order passed by the High Court, the appellant is before us in this appeal.

9. We have heard the learned counsel for the parties to the lis.

10. After going through the judgment and order passed by the High Court as well as the Trial Court and the material available on record and in view of the peculiar facts and circumstances of the case, we are of the considered opinion that the judgment and order passed by the High Court be set aside and order passed by the Reference Court be restored.

11. Accordingly, we set aside the judgment and order passed by the High Court and restore the order passed by the Reference Court.

12. The Civil Appeals are allowed in terms of the order passed above.

.....CJI.

[H.L. DATTU]

.....J.
[S.A. BOBDE]

.....J.
[ARUN MISHRA]

NEW DELHI,
NOVEMBER 19, 2015.
ITEM NO.15

COURT NO.1

SECTION IVA

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). 3196-3197/2007

GOURABAI (D) BY LRS.

Appellant(s)

VERSUS

ASSTT. COMMNR. AND ORS.

Respondent(s)

Date : 19/11/2015 These appeals were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Vivek C. Solshe, Adv.
Mr. C.G. Solshe, Adv.

For Respondent(s) Mr. B. Sridhar, Adv.
Mr. V.N. Raghupathy, Adv.
Mr. A.S. Bhasme, Adv.

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

The appeals are allowed in terms of the
signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]