

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8238-8239 OF 2014
(@ SPECIAL LEAVE PETITION (C) NOS.4399-4400
OF 2013)

ANAND ETC. . . . APPELLANT(S)

VERSUS

ASST.COMMISSIONER & LAND
ACQUISITION OFFICER & ORS. . . . RESPONDENT(S)

O R D E R

1. Leave granted.

2. These appeals are filed against the judgment and order passed by the High Court of Karnataka at Bangalore in CROB No.205 of 2006 in M.F.A.No.5837 of 2005 and CROB No.204 of 2006 in M.F.A.No.5838 of 2005, dated 09.01.2008.

3. The acquiring authority had issued a Notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") dated 11.12.1997 to acquire the lands belonging to appellant Nos.1 and 5 in Survey No.18 measuring 2 acres 7 guntas and land belonging to

appellant No.3 in Survey No.17/2 measuring 23 guntas respectively, both situate at Vakkalgera village, Gulbarga in the State of Karnataka for the purpose of formation of the ring road of Gulbarga City.

4. The Land Acquisition Officer, (for short, "the LAO") after considering the claims made by claimants/land losers, by his award dated 01.06.1999 has fixed the market value of the lands acquired at Rs.2 lacs per acre.

5. Aggrieved by the compensation so awarded by the LAO, the claimants/land losers had made a request to make a reference under Section 18 of the Act for determination of the fair and reasonable compensation to the claimants/land losers.

6. The Reference Court, after registering the reference and after recording the evidence of the parties has partly allowed the reference and by its award dated 23.07.2004 enhanced the market value of the lands at Rs.23 per square feet.

7. Being aggrieved by the compensation so awarded by the Reference Court, the acquiring authority approached the High Court by filing Miscellaneous First Appeals. The claimants/land losers has also filed their cross-objections.

8. The High Court by its impugned judgment and order dated 09.01.2008 has dismissed the appeals filed by the acquiring authority and partly allowed the cross-objections filed by the claimants/land losers. The High Court re-determined the market value of the lands acquired in these cases at Rs.28 per square feet by taking the same price @ Rs.35 per square feet as has been taken by the reference court by deducting 20% of it (i.e. Rs.7/-) towards development charges and awarded the same in favour of the claimants with all consequential statutory benefits thereon and costs less the amount already received by the claimants/ land losers.

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

10. After going through the records and in view of the peculiar facts of this case, we are of the considered opinion that the amount awarded by the High Court be enhanced to a total sum of Rs.15 lacs with all statutory benefits.

11. Accordingly, while allowing these appeals, we enhance the amount awarded by the High Court to a total sum of Rs.15 lacs with all the statutory benefits from the date of the order passed by the High Court.

12. The Civil Appeals are disposed of accordingly.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(S.A. BOBDE)

.....J.
(ABHAY MANOHAR SAPRE)

NEW DELHI;
AUGUST 22, 2014

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8240-8249 OF 2014
(@ SPECIAL LEAVE PETITION (C) NOS.23045-23054
OF 2013)

BASSAMMA (D)
BY LRS. ETC.ETC. & ORS. . . . APPELLANT(S)

VERSUS

ASST. COMMISSIONER & SPL. LAND
ACQUISITION OFFICER & ORS. . . . RESPONDENT(S)

O R D E R

1. Leave granted.
2. These appeals are filed against the judgment and order passed by the High Court of Karnataka at Gulbarga in M.F.A.No.31005/2011 (LAC-DB) c/w, MFA No.31004/2011, MFA No.31006/2011, MFA NO.30995/2011, MFA No.30996/2011, MFA No.31767/2011, MFA No.31768/2011, MFA No.31769/2011, MFA No.31770/2011 and MFA No.31771/20011 (LAC-DB), dated 22.02.2013.

3. The acquiring authority had issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act") dated 06.01.1977 to acquire the lands measuring 35 acres and 6 guntas belonging to the appellants/ land losers for the establishment of Gulbarga gliding centre.

4. The Land Acquisition Officer, (for short, "the LAO") after considering the claims made by appellants/land losers, by his award dated 05.08.1998 has fixed the market value of the lands at Rs.35,000/- per acre.

5. Aggrieved by the compensation so awarded by the LAO, the claimants/land losers had made a request to make a reference under Section 18 of the Act for determination of the fair and reasonable compensation to the appellants/ land losers.

6. The Reference Court, after registering the reference and after recording the evidence of the parties has by its award dated 23.04.2010 fixed the market value

of the lands at Rs.28 per square feet.

7. Being aggrieved by the compensation so awarded by the Reference Court, the appellants/ land losers approached the High Court by filing Miscellaneous First Appeals. The acquiring authority has also filed their cross-objections.

8. The High Court by its impugned judgment and order dated 22.02.2013 has dismissed the appeals filed by the appellants/land losers and partly allowed the appeals filed by the acquiring authority and has reduced the market value of the acquired lands, as fixed by the Reference Court from Rs.28/- per square feet to Rs.18/- per square feet with all consequential statutory benefits.

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

10. After going through the records and in view of the peculiar facts of this case, we are of the considered

opinion that the amount awarded by the High Court be enhanced to a total sum of Rs.15 lacs with all statutory benefits.

11. Accordingly, while allowing these appeals, we enhance the amount awarded by the High Court to a total sum of Rs.15 lacs with all the statutory benefits from the date of the order passed by the Land Acquisition Officer.

12. The Civil Appeals are disposed of accordingly.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(S.A. BOBDE)

.....J.
(ABHAY MANOHAR SAPRE)

NEW DELHI;
AUGUST 22, 2014

ITEM NO.42

COURT NO.2

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
4399-4400/2013

(Arising out of impugned final judgment and order dated 09/01/2008 in CROB No. 205/2006,09/01/2008 in MFA No. 5837/2005,09/01/2008 in CROB No. 204/2006,09/01/2008 in MFA No. 5838/2005 passed by the High Court Of Karnataka at Bangalore)

ANAND ETC.

Petitioner(s)

VERSUS

ASST.COMMR.& LAQ OFFICER & ORS.
(with office report)

Respondent(s)

WITH SLP(C) No. 23045-23054/2013

(With appln.(s) for permission to file additional documents and Office Report)

Date : 22/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr.Basava Prabhu S.Patil, Sr.Adv.
Mr. B. Subrahmanya Prasad ,Adv.
Mr.Anirudh Sanganeria, Adv.

Ms.Kiran Suri, Sr.Adv.
Ms.Ritika Gambhir, Adv.
Dr. (mrs.) Vipin Gupta ,Adv.
Mr.S.J.Amith, Adv.

For Respondent(s) Mr. V. N. Raghupathy ,Adv.

Mrs. Kanchan Kaur Dhodi ,Adv.

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

Leave granted.

The appeals are allowed, in terms of the signed order.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

(Two separate signed orders are placed on the file)