

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.9060-9062 of 2014

EXECUTIVE ENGINEER AND GENERAL .. APPELLANT(S)  
MANAGER KARNATAKA HOUSFING BOARD  
GADAG

VERSUS

ASSISTANT COMMISSIONR AND SPECIAL .. RESPONDENT(S)  
LAND ACQUISITION OFFICER AND ANR.

WITH

CIVIL APPEAL Nos.9064-9066 OF 2014

GUJARAVVA ETC. .. APPELLANT(S)

VERSUS

ASSISTANT COMMISSIONR AND SPECIAL .. RESPONDENT(S)  
LAND ACQUISITION OFFICER AND ANR.

O R D E R

CIVIL APPEAL NOS.9064-9066 OF 2014

1. These appeals are directed against the judgment and order passed by the High Court of Karnataka Circuit Bench at Dharwad in M.F.A. No.20338 of 2011 (L.A.C.), c/w M.F.A. No.20335 of 2011 (L.A.C.) and M.F.A. No.20336 of 2011 (L.A.C.), whereby and whereunder the High Court has enhanced

the compensation awarded for the acquired lands at the market value of Rs.3,38,400/- per acre.

2. The brief facts of the case are that the appellants-herein are agriculturalists. A notification was published under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act") on 10.01.2002 for the acquisition of 424 acre and 10-1/2 guntas of agricultural lands, situated in Kalasapur village, Gadag, Karnataka including the lands of the appellants, for the purpose of construction of HUDCO Housing Project. The final notification under Section 6(1) of the Act was published on 29.07.2002 whereby the acquisition was limited to 340 acres 24 guntas, including the lands of the appellants.

3. The Special Land Acquisition Officer (for short, "the L.A.O.") by award dated 05.01.2004, assessed the market value of the acquired lands at Rs.47,500/- per acre.

4. Being aggrieved by the compensation so awarded by the L.A.O., the appellants made an

application to the L.A.O. under Section 18 of the Act seeking reference to the Civil Court for enhancement of compensation. Accordingly, the L.A.O. referred the case of the appellants to the Reference Court where it was registered.

5. Upon consideration of the entire evidence and material on record, the Reference Court was of the considered view that the compensation awarded by the L.A.O. was not adequate. Accordingly, by common judgment and order dated 28.08.2010, the Reference Court held that the appellants are entitled to compensation at Rs.85,000/- per acre, based on an earlier judgment of the Court.

6. Aggrieved by the aforesaid order of the Reference Court, the appellants preferred appeals before the High Court. After re-appreciating the entire evidence on record, the High Court was of the considered view that the compensation awarded by the Reference Court was not adequate. Accordingly, the High Court has held that the appellants are entitled

to enhanced compensation at market value of Rs.3,38,400/- per acre, with all statutory benefits and interest on the said amount.

7. Being aggrieved by the judgment and order so passed by the High Court, the appellants are before us in this appeal.

8. We have heard learned counsels for the parties to the *lis*.

9. We have carefully perused the entire material on record including the awards/orders passed by the Courts below. In our considered opinion, keeping in view the peculiar facts and circumstances of the case and also other factors, we intend to enhance the compensation awarded to the appellants by Rs.1,50,000/- per acre.

10. In that view of the matter, we modify the judgment and order passed by the High Court and enhance the compensation by Rs.1,50,000/- per acre over and above the compensation so awarded by the High Court along with all consequential statutory

benefits and interest.

11. In the result, the Civil Appeals are allowed in terms of the order passed above.

CIVIL APPEAL NOS.9060-9062 of 2014

12. These appeals are directed against the judgment and order passed by the High Court of Karnataka Circuit Bench at Dharwad in M.F.A. No.20338 of 2011 (L.A.C.), c/w M.F.A. No.20335 of 2011 (L.A.C.) and M.F.A. No.20336 of 2011 (L.A.C.), whereby and whereunder the High Court has enhanced the compensation awarded for the acquired lands at the market value of Rs.3,38,400/- per acre.

13. The facts in these appeals are identical to the facts in Civil Appeal Nos.9064-9066 of 2011, and are not being repeated for the sake of brevity.

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

15. We have carefully perused the entire material on record including the awards/orders passed

by the Courts below. In our considered opinion, the appeals devoid of any merit are liable to be dismissed, and are accordingly dismissed.

Ordered accordingly.

.....CJI.  
[ H.L. DATTU ]

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

.....J.  
[ ARUN MISHRA ]

NEW DELHI,  
NOVEMBER 19, 2015.

ITEM NO.10

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). 9060-9062/2014

EXE.ENG.& GEN.MGR.KARNATAKA HNG.BD.GADAG

Appellant(s)

VERSUS

ASST.COMMR.& SPL.LAQ OFFICER & ANR.

Respondent(s)

(With appln. for permission to urge additional grounds)

WITH

C.A. No. 9064-9066/2014

(With appln.(s) for c/delay in filing SLP and Office Report)

SLP(C) No. 27066/2015

(With Office Report)

Date : 19/11/2015 These appeals/SLP 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) /  
Respondent(s)

Mr.Shailesh Madiyal, Adv.  
Mr. Gautam Prabhakar, Adv.  
Ms. Shivani Srivastava, Adv.

Mr.Basava Prabhu S. Patil, Sr. Adv.  
Mr. Abdul Azeem Kalebudde,Adv.  
Mr. Anandkumar A. Magadum, Adv.  
Mr. Purushottam Sharma Tripathi,Adv.

For Appellant(s)

Mr.Basava Prabhu S. Patil, Sr. Adv.  
Mr. Abdul Azeem Kalebudde,Adv.  
Mr. Anandkumar A. Magadum, Adv.

For Respondent(s)

Mr. V.N. Raghupathy,Adv.

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

C.A. NOS. 9064-9066 OF 2011

Delay condoned.

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

C.A. NOS. 9060-9062 OF 2014

The appeals are dismissed in terms of the  
signed order.

As a sequel to above order(s) all applications  
are disposed of.

SLP(C) No. 27066/2015

List next week.

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

[ Vinod Kulvi ]  
Asstt. Registrar

[ Signed order is placed on the file ]