

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.9060-9062 of 2014

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

VERSUS

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

WITH

CIVIL APPEAL Nos.9064-9066 OF 2014

GUJARAVVA ETC. .. APPELLANT(S)

VERSUS

ASSISTANT COMMISSIONER 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

Signature Not Verified

(L.A.C.)

Digitally signed by
Charanjeet Kaur
Date: 2015.11.24

18:27:56 IST
Reason:

and M.F.A. No.20336 of 2011 (L.A.C.),

whereby and whereunder the High Court has enhanced

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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.
notification was published under Section 4(1) of the

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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
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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

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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

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benefits and interest.

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

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

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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
R E C O R D O F P R O C E E D I N G S

I N D I A

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)

