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C.A.No. 436-437 OF 2000
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.436-437 OF 2000

LAND ACQN. OFFICER-CUM-DIST.S.W.OFFICER APPELLANT

VERSUS

M. RAMASWAMY & ORS. RESPONDENTS

O R D E R

Despite service of notice, respondents are neither present nor represented.
Heard learned counsel for the appellants.

In respect of the lands acquired for the purpose of house sites, the Land Acquisition Officer determined the market value @ Rs.10,000/- per acre and in respect of bit of land @ Rs.12,000/- per acre. The reference court enhanced the compensation amount determining the market value @ Rs.75,000/- per acre. On appeal by the State, aggrieved by the Award of the reference court, the High Court determined
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the market value @ Rs.65,000/- instead of Rs.75,000/- per acre, as determined by the reference court. In the impugned judgment, the High Court has observed thus :

"Having regard to these factors, though the sale of a small plot under Ex.B-4 spoken to by RW-4 may not furnish a safe guide for determination of market value of a large extent of Ac.6-50 cents in view of the recent decisions vide latest decision in SPECIAL DEPUTY COLLECTOR vs. KURRA SAMBASIVA RAO (1997 (6) Supreme 150), we cannot but, take note of its potentialities and fix the market value not merely as an agricultural land but as a land having good potential for house sites. While we feel that the market value of Rs.75,000/- assessed by the learned Subordinate Judge based on Ex.B-4 is on the high side despite the potentialities of the land, we have come to the conclusion after taking into account the suggestions of the learned Government Pleader as well as the learned counsel for the respondents that the market value can be reasonably fixed at Rs.65,000/- (Sixty five thousand) per acre. We further direct the modification of the decree so as to award solatium and interest at enhanced rate as per the Land Acquisition (Amendment) Act, 1984 (Central Act) in view of the fact that the Award of the Civil Court was passed on 29.07.1982 which falls within the two crucial dates i.e. 30-04-1982 and 24-09-1984."

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Having regard to what is stated above, the High Court in the impugned judgment, as extracted above and looking to the facts of this case, particularly, taking note of the position that the impugned judgment was passed at the suggestion of both the parties, we do not find any merit in the appeals. Consequently, the appeals are dismissed, but, with no order as to costs.

.....J.
[SHIVARAJ V. PATIL]

New Delhi, [B.N. SRIKRISHNA]
December 02, 2004.
ITEM NO.109 COURT NO.6 SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 436-437 OF 2000

LAND ACQN.OFFICER-CUM-DIST.S.W.OFFICER APPELLANT (S)

VERSUS

M. RAMASWAMY & ORS. RESPONDENT(S)
(With office report)

Date: 02/12/2004 These Appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)
Mr. Manoj Saxena, Adv.
Mr. Devijit Kotareti, Adv.
Mr. S.K. Mitra, Adv.
for Mr. Mohanprasad Meharia, Adv.

For Respondent(s)

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

Despite service of notice, respondents are neither present nor represented.
Heard learned counsel for the appellant for five minutes.

The appeals are dismissed with no order as to costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)