

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.898 OF 2007

V.R.MANJUNATH AND ORS. .. APPELLANT(S)

VERSUS

SPL. LAND ACQUISITION .. RESPONDENT(S)
OFFICER AND ORS.

WITH

CIVIL APPEAL NO.899 OF 2007

BHARAT SANCHAR NIGAM LTD. & ANR. .. APPELLANT(S)

VERSUS

V.R.MANJUNATH AND 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.2538 and 5525 of 2003, dated 21.02.2005.

2. The brief facts of the Civil Appeals are that a notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was issued on 24.01.1983 for acquiring the land for the purpose of construction of public utility administrative building by Bharat Sanchar Nigam Ltd. (for short, "the B.S.N.L.") and a final notification was also issued dated 12.09.1984.

3. The L.A.O. after complying with the formalities prescribed under the Act by order dated 31.12.1985 fixed the market value of the acquired land at Rs.150/- per sq. ft. (Rs.1350/- per sq. yard) which was approved by the State Government under Section 11 of the Act by award dated 22.09.1986.

4. Not being satisfied with the compensation so awarded by the L.A.O., the claimants 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 to the Reference Court.

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 judgment and order dated 30.01.2003, the Reference Court fixed the market value of the acquired land at Rs.370/- per sq. ft.

6. Aggrieved by the aforesaid order of the Reference Court, the claimants as well as the B.S.N.L. filed appeals before the High Court. The High Court after re-appreciating the entire evidence on record dismissed the appeal filed by the claimants. Insofar as the appeal preferred by the B.S.N.L. is concerned the High Court partly accepted the appeal and directed that the additional amount awarded under Section 23(1A) of the Act shall be awarded from the date of preliminary notification

till 31.12.1985 on which date the award came to be signed by the LAO and not till 22.09.1986 as awarded by the Reference Court.

7. Aggrieved by the aforesaid judgment and order passed by the High Court, the claimants as well as the B.S.N.L. are before us in appeals.

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

9. We have carefully perused the judgment and order passed by the High Court as well as the Reference Court, and also the documents on record and keeping in view the peculiar facts and circumstances of the case and also other factors, we intend to enhance the compensation awarded to the claimants.

10. Accordingly, we modify the judgment and order passed by the High Court and enhance the compensation awarded to the claimants by enhancing the market value of the acquired land from Rs.370/-

per sq.ft. to Rs.400/- per sq.ft. The claimants would be entitled to all consequential statutory benefits on the enhanced amount in accordance with the provisions of the Act.

11. In the result, Civil Appeal No.898 of 2007 is allowed and Civil Appeal No.899 of 2007 stands dismissed in terms of the order passed above.

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

.....J.
[ARUN MISHRA]

NEW DELHI,
NOVEMBER 26, 2015.

ITEM NO.18

COURT NO.1

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

Civil Appeal No(s).898/2007

V.R.MANJUNATH AND ORS.

Appellant(s)

VERSUS

SPL. LAND ACQUISITION OFFICER AND ORS.

Respondent(s)

WITH

C.A. No. 899/2007
(With Office Report)

Date : 26/11/2015 These appeals were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Thomas P. Joseph, Sr. Adv.
 Mr. Renjith. B,Adv.
 Ms. Lakshmi N. Kaimal, Adv.
 Mr. Anas Muhammed Shamnad R., Adv.

Mr. R.D. Agrawala, Sr. Adv.
Mr Pavan Kumar,Adv.

For Respondent(s) Mr. R.D. Agrawala, Sr. Adv.
 Mr Pavan Kumar,Adv.

Mr. K. Rajeev,Adv.

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

Civil Appeal No.898 of 2007 is allowed
and Civil Appeal No.899 of 2007 is dismissed

in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)