

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 (Civil)...../2010
CC 15135/2010

(From the judgement and order dated 27/02/2007 in
of The HIGH COURT OF M.P AT INDORE)

FA No. 152/1998

STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

SARDAR SINGH AND ORS.

Respondent(s)

IA NO.1(c/delay in filing SLP)

Date: 04/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Vibha Datta Makhija, Adv.

For Respondent(s)

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

This petition is directed against order dated 27.2.2007 passed by the learned Single Judge of Madhya Pradesh High Court who allowed the first appeal filed by the respondents for enhancement of the compensation awarded by the Reference Court and dismissed the appeals preferred by the petitioner. The petitioner has also filed an application for condonation of 1178 days' delay.

We have carefully perused the averments contained in the application for condonation of delay and are convinced that the petitioner has miserably failed to show sufficient cause for delayed filing of the special leave petition.

Even on merits, we are convinced that the special leave petition is a piece of frivolous litigation which deserves to be dismissed at the threshold.

The respondents are the owners of a fraction of 202.209 hectares land which was to come under submergence of Mahi Mini Dam. For the purpose of acquisition of the land, the State Government issued notification dated 17.1.1991 under Section 4 read with Section 17 of the Land Acquisition Act, 1894. Declaration under Section 6 was published on 22.3.1992. The Land Acquisition Officer passed award dated 30.3.1993 whereby he fixed market value

of the acquired land at Rs.23,400/- per hectare (irrigated land) and Rs.15,600/- per hectare (unirrigated land).

The Reference Court relied upon the evidence produced by the parties and in particular the statement of DW-1 Ramlal Hirve, who was an expert on the crop pattern as well as agricultural potential of the acquired land and fixed market value of the land at Rs.1,75,000/- per hectare for irrigated land and Rs.1,16,000/- per hectare for unirrigated land.

The cross appeals filed by the petitioner and the land owners were disposed of by the High Court by enhancing market value of the land at Rs.2,10,000/- per hectare for irrigated land and Rs.1,40,000/- per hectare for unirrigated land.

The High Court noted that the learned counsel for the State could not controvert the finding recorded by the Reference Court on the basis of statement of DW-1 Ramlal Hirve and other witnesses examined by the parties. The High Court, however, disagreed with the Reference Court on the choice of multiplier and held that multiplier of 12 instead of 10 should have been selected for fixing market value of the acquired land.

We have heard Ms. Vibha Datta Makhija, learned counsel for the petitioner and perused the record. In our view, the Reference Court and the High Court did not commit any error by enhancing market value of the acquired land and there is no justification for this Court's interfere with the meager compensation payable to the land owners, who were deprived of their only source of livelihood on account of submergence of land under Mahi Mini Dam.

The special leave petition is accordingly dismissed on the ground of delay and also on merits.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master