

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10700 OF 2011

LAXMAN

Appellant(s)

VERSUS

THE REGIONAL OFFICER, MAHARASHTRA  
INDUSTRIAL DEVELOPMENT CORPORATION  
AND ANR.

Respondent(s)

O R D E R

The present appeal is directed against an order dated 05/08.02.2010 passed by the High Court of Judicature at Bombay, Bench at Nagpur, whereby the amount of compensation enhanced by the Reference Court to Rs. 60,000/- per hectare was set aside and the amount awarded by the Land Acquisition Officer at the rate of Rs. 41,250/- per hectare was restored.

The land admeasuring 1.29.00 hectares was acquired vide Notification dated 14.02.1991 under Section 4 of the Land Acquisition Act, 1894, which is equivalent to Section 32(2) of the Maharashtra Industrial Development Act, 1961. The Land Acquisition Officer, by his Award dated 13.12.1993, determined the market value at the rate of Rs.41,250/- per hectare. The Reference Court considered the Sale Deed dated 12.04.1991 (Exhibit 59), Sale Deed dated 02.09.1991 (Exhibit 54) and Sale Deed dated 26.11.1990 (Exhibit 55) to award a

compensation of Rs. 60,000/- per hectare. However, in the first appeal, the High Court held that the sale instances were from post Notification period and therefore, not determinative of just compensation under the Land Acquisition Act, 1894. In view of the order passed by the High Court, the appellant was called upon to refund an amount of Rs. 54,296/- along with interest at the rate of 12%.

The appellant was deprived of the land way back in the year 1993. In fact, One sale instance was of pre-notification stage. Therefore, the order of refund of meager amount of Rs. 54,296/- would be unjust and unfair to the one who lost his land in pursuance of the impugned Notification.

Consequently, we allow the present appeal and set aside the order passed by the High Court and restore the order passed by the Reference Court.

Pending interlocutory application(s), if any, stands disposed of.

.....J.  
[ HEMANT GUPTA ]

.....J.  
[ V. RAMASUBRAMANIAN ]

New Delhi;  
DECEMBER 07, 2021.

ITEM NO.103

COURT NO.11

SECTION IX

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). 10700/2011

LAXMAN

Appellant(s)

VERSUS

THE REGIONAL OFFICER, MAHARASHTRA  
INDUSTRIAL DEVELOPMENT CORPORATION  
AND ANR.

Respondent(s)

Date : 07-12-2021 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Shankar Divate, AOR

For Respondent(s) Mr. Soumik Ghosal, Adv.  
Mr. G. Pal, Adv.  
Ms. Shyamali Gadre, Adv.  
Mr. Anil Shrivastav, AORUPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed  
of.(JAYANT KUMAR ARORA)  
COURT MASTER(RENU BALA GAMBHIR)  
COURT MASTER

(Signed order is placed on the file)