

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7587 of 2021

THE EXECUTIVE ENGINEER, KNNL

APPELLANT

VERSUS

NAGAMMA & ANR.

RESPONDENTS

WITH

C.A. No.7586/2021

C.A. No.6570/2021

C.A. No.6191/2021

C.A. No.6347/2021

C.A.No.5365/2024 @ SLP(C) No.20408/2021

C.A.Nos.5331-32/2024 @ SLP(C) Nos.5410-5411/2022

C.A. No.324/2022

C.A.Nos.5333-34/2024 @ SLP(C) No.11626-11627/2022

C.A. No.2257/2022

C.A.No.1388/2022

C.A.No.5337/2024 @ SLP(C) No.3879/2022

C.A.No.5338/2024 @ SLP(C) No.2479/2022

C.A.No.5339/2024 @ SLP(C) No.2478/2022

C.A.Nos.5341-43/2024 @ SLP(C) Nos.18096-18098/2022

C.A.No.5356/2024 @ SLP(C) No.4295/2023

C.A.Nos.5357-5364/2024 @ SLP(C) Nos.20213-20220/2023

C.A. Nos.6171-6175/2021

C.A. Nos.6181-6182/2021

C.A.Nos.5328-29/2024 @ SLP(C) Nos.1801-1802/2021

C.A. No.6189/2021

C.A. No.6188/2021

C.A. No.6190/2021

C.A. No.6187/2021

C.A. No.6184/2021

C.A. No.6346/2021

C.A. No.323/2022

C.A.No.5335/2024 @ SLP(C) No.10597/2022

C.A.No.5336/2024 @ SLP(C) No.11048/2022

C.A.No.5340/2024 @ SLP(C) No.10942/2022

C.A.Nos.5344-45/2024 @ SLP(C) Nos.11991-11992/2022

C.A.No.5346/2024 @ SLP(C) No.8984/2022

C.A.No.5354/2024 @ SLP(C) No.12443/2022

C.A. Nos.6160-6170/2021

C.A. Nos.6176-6180/2021

C.A. No.6360/2021

C.A. Nos.6568-6569/2021

C.A. No.7585/2021

C.A. No.6567/2021

C.A. No.6361/2021

C.A. No.6362/2021

C.A. No.6363/2021
C.A.Nos.5325-26/2024 @ SLP(C) Nos.1420-1421/2021
C.A.No.5327/2024 @ SLP(C) No.1649/2021
C.A. No.6185/2021
C.A. No.6183/2021
C.A. No.6186/2021
C.A.No.5349/2024 @ SLP(C) No.11804/2022
C.A.Nos.5350-53/2024 @ SLP(C) Nos.12831-12834/2022

O R D E R

1. Delay condoned.
2. The application for deleting the name of respondent No.3 in C.A.Nos.6167-6169/2021 is disposed of as having become infructuous.
3. The application for substituting the names of LRs of respondent No.1 in C.A.Nos.6167-6169/2021 @ C.A.Nos.6160-6170/2021, is allowed, and the LRs of deceased respondent No.1 are ordered to be brought on record.
4. Cause-title be amended accordingly.
5. Leave granted in SLP(C) No.20408/2021, SLP(C) Nos.5410-5411/2022, SLP(C) No.11626-11627/2022, SLP(C) No.3879/2022, SLP(C) No.2479/2022, SLP(C) No.2478/2022, SLP(C) Nos.18096-18098/2022, SLP(C) No.4295/2023, SLP(C) Nos.20213-20220/2023, SLP(C) Nos.1801-1802/2021, SLP(C) No.10597/2022, SLP(C) No.11048/2022, SLP(C) No.10942/2022, SLP(C) Nos.11991-11992/2022, SLP(C) No.8984/2022, SLP(C) No.12443/2022, SLP(C) Nos.1420-1421/2021, SLP(C) No.1649/2021, SLP(C) No.11804/2022 and SLP(C) Nos.12831-12834/2022.
6. All these Civil Appeals are disposed of by way of a common order.
7. Most of the appeals are at the instance of Karnataka

Neeravari Nigam Limited, namely, the beneficiary of the land acquisition. The subject land, which is stated to be measuring approximately 3036 hectares, has been acquired through various acquisition processes at different points of time and in long duration for the execution of Upper Tunga Project. Learned Senior Counsel for the appellant(s) has divided these appeals in two sub-categories. In appeals falling under the first sub-category, the compensation has been determined on the basis of the judgment dated 03.07.2010, passed by the First Appellate Court in M.A.No.12/2008 and connected matters of Alkola village. The second sub-category of appeals pertain to village Abbalagere of Shimoga District where the acquisition was initiated through Notification dated 18.10.2000, issued under Section 4(1) of the Land Acquisition Act, 1894, and eventually, the High Court has enhanced the compensation from Rs.2,75,000/- per acre (granted by the Reference Court) to Rs.10,10,374/- per acre. Apart from these, there is a third sub-category of appeals also, which can be termed as cross appeals at the instance of some of the land owners, who are seeking further enhancement of compensation.

8. We have heard learned Senior Counsel for the appellant-Corporation, learned Senior Counsel for some of the land owners/ cross appellants as well as other learned counsel in support and against these appeals and perused the record.

9. The primary contention of learned Senior Counsel for the appellant-Corporation is that the sale instance of village Alkola, which pertains to the first sub-category, could not be mechanically applied for determination of market value of the land in other

villages. It is urged that the potentiality of the acquired land of each village ought to have been determined on the basis of the sale instances of close proximity.

10. With reference to village Alkola, it is pointed out that a Sale Deed dated 05.01.1998, for an area measuring 40 sq.ft., sold at the rate of Rs.150/- per sq.ft., was the sole basis for grant of compensation by the Reference Court at the rate of Rs.150/- per sq.ft. The High Court, however, reduced the compensation to Rs.105 per sq.ft. after observing that the acquired land is of agricultural in nature whereas the exemplar, referred to above, pertains to a residential plot.

11. *Per contra*, the respondents have contended that since the subject lands abut the national highway and as they have non-agricultural potentiality, they are entitled to further enhancement.

12. Having given our thoughtful consideration to the rival submissions, and on consideration of the approximate location of the acquired lands as well as the *inter-se* distance between different parcels of the acquired land, we are satisfied that the Reference Court as well as the High Court have made an effort to estimate the the potentiality and the market value of the subject land after taking into consideration the evidence on record with some guess work added therein. It is well settled that in the absence of exemplars pertaining to the same revenue estate, the Reference Court or the High Court is justified in relying upon the similar sale instances of neighboring areas with an appropriate deduction, if so required, keeping in view the peculiar location of

the acquired land.¹ We find that the High Court, in the impugned judgments, has undertaken such an exercise after perusing the material on record and has determined the estimated value based on nature and location of the land. That being the case, even if the view taken by the High Court is assumed to be factually erroneous in one or the other matter, it being a finding of fact and no substantial question of law having been raised, we do not deem it necessary to interfere with these judgments. The appeals preferred by the Corporation, pertaining to the first and the second sub-category as mentioned in paragraph 7 of this order, are dismissed.

13. Adverting to the third sub-category, i.e., the cross-appeals filed by some of the land owners, we find that both the Reference Court and the High Court have already considered the best of the evidence produced by them. There is no additional material to support landowners' assertion that the market value of the land, at the time of acquisition, could be Rs.250/- per sq.ft. We, thus, find no merit in their appeals as well. All the appeals are, accordingly, dismissed.

14. We are informed that some of the matters pertaining to the acquisition of some related project have been remitted to the High Court for fresh adjudication. It is clarified that those cases shall be decided by the High Court as per their own merit without being influenced by the fact that in the instant case, we have declined to interfere with the determination of the market value of the acquired land.

¹ *Lal Chand v. Union of India*, (2009) 15 SCC 769, para 90; *ONGC Ltd. v. Sendhabhai Vastram Patel*, (2005) 6 SCC 454, para 15.

15. The State of Karnataka and the appellant-Corporation are directed to deposit the compensation amount with the Reference Court within 12 weeks, which shall, thereafter, be disbursed to the land owners in accordance with law.

16. As a sequel to the above, all the pending interlocutory applications stand disposed of.

.....J.
(SURYA KANT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

NEW DELHI;
APRIL 25, 2024.

ITEM NO.101

COURT NO.4

SECTION IV-A

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).7587/2021

THE EXECUTIVE ENGINEER , KNNL

Appellant(s)

VERSUS

NAGAMMA & ANR.

Respondent(s)

([GROUP MATTER])

WITH

C.A. No.7586/2021 (IV-A)C.A. No.6570/2021 (IV-A)C.A. No.6191/2021 (IV-A)C.A. No.6347/2021 (IV-A)SLP(C) No.20408/2021 (IV-A)SLP(C) No.5410-5411/2022 (IV-A)

(FOR ADMISSION and I.R.)

C.A. No. 324/2022 (IV-A)SLP(C) No. 11626-11627/2022 (IV-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 91724/2022

IA No. 91724/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No.2257/2022 (IV-A)C.A. No.1388/2022 (IV-A)SLP(C) No.3879/2022 (IV-A)

(FOR ADMISSION and IA No.31208/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.2479/2022 (IV-A)

(FOR ADMISSION and IA No.22760/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.2478/2022 (IV-A)

(FOR ADMISSION and IA No.22758/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.18096-18098/2022 (IV-A)

IA No. 139079/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.4295/2023 (IV-A)SLP(C) No.20213-20220/2023 (IV-A)

(IA No.175843/2023-CONDONATION OF DELAY IN FILING and IA No.175845/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

C.A. No.6171-6175/2021 (IV-A)C.A. No.6181-6182/2021 (IV-A)

(FOR APPLICATION FOR TAGGING/DETAGGING ON IA 117292/2021)

SLP(C) No.1801-1802/2021 (IV-A)

(FOR ADMISSION)

C.A. No.6189/2021 (IV-A)

C.A. No.6188/2021 (IV-A)
C.A. No.6190/2021 (IV-A)
C.A. No.6187/2021 (IV-A)
C.A. No.6184/2021 (IV-A)
C.A. No.6346/2021 (IV-A)
C.A. No.323/2022 (IV-A)
SLP(C) No.10597/2022 (IV-A)
 (FOR ADMISSION and I.R.)
SLP(C) No.11048/2022 (IV-A)
 (FOR ADMISSION and I.R.)
SLP(C) No. 10942/2022 (IV-A)
 (FOR ADMISSION and I.R.)
SLP(C) No.11991-11992/2022 (IV-A)
 (FOR EXEMPTION FROM FILING O.T. ON IA 93423/2022
 IA No. 93423/2022 - EXEMPTION FROM FILING O.T.)
SLP(C) No.8984/2022 (IV-A)
 (FOR ADMISSION)
SLP(C) No.12443/2022 (IV-A)
 (FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 96193/2022
 IA No. 96193/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
C.A. No.6160-6170/2021 (IV-A)
 (FOR DELETING THE NAME OF PETITIONER/RESPONDENT ON IA 126758/2021
 FOR impleading party ON IA 126760/2021
 FOR INTERVENTION/IMPLEADMENT ON IA 126760/2021)
C.A. No.6176-6180/2021 (IV-A)
C.A. No.6360/2021 (IV-A)
C.A. No.6568-6569/2021 (IV-A)
C.A. No.7585/2021 (IV-A)
C.A. No.6567/2021 (IV-A)
C.A. No.6361/2021 (IV-A)
C.A. No.6362/2021 (IV-A)
C.A. No.6363/2021 (IV-A)
SLP(C) No.1420-1421/2021 (IV-A)
 (FOR ADMISSION and I.R. and IA No.12672/2021-EXEMPTION FROM FILING
 O.T. and IA No.12670/2021-PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
SLP(C) No. 1649/2021 (IV-A)
 (FOR ADMISSION)
C.A. No.6185/2021 (IV-A)
C.A. No.6183/2021 (IV-A)
C.A. No.6186/2021 (IV-A)
SLP(C) No.11804/2022 (IV-A)
 (FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
 92262/2022
 FOR EXEMPTION FROM FILING O.T. ON IA 92263/2022
 IA No.92263/2022 - EXEMPTION FROM FILING O.T.
 IA No.92262/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)
SLP(C) No.12831-12834/2022 (IV-A)
 (IA
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA

88773/2022

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
88774/2022

FOR EXEMPTION FROM FILING O.T. ON IA 88775/2022

IA No.88774/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No.88775/2022 - EXEMPTION FROM FILING O.T.

IA No.88773/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 25-04-2024 These appeals/petitions were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Anantha Narayana M.G., AOR

Mr. Shankar Divate, AOR

Mr. Sanjay M.Nuli, Adv.
For M/S. Nuli & Nuli, AOR

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.

Mr. Anil V. Katarki, Adv.
Ms. Veena Katarki, Adv.
Mr. T. R. B. Sivakumar, AOR

Mrs. Vaijyanthi Girish, AOR
Mr. R.S. Hegde, Adv.
Mr. Girish Ananthamurthy, Adv.

Ms. Hetu Arora Sethi, AOR

For Respondent(s) Mr. Naveen R.Nath, Sr.Adv.
Mr. Abhimanyu Verma, Adv.
Ms. Lalit Mohini Bhat, Adv.
Ms. Hetu Arora Sethi, AOR
Ms. Disha Gupta, Adv.

Mr. Ashwin V. Kotemath, Adv.
Mr. Harisha S.R., AOR

Mr. Anil V. Katarki, Adv.
Ms. Veena Katarki, Adv.
Mr. T. R. B. Sivakumar, AOR

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR

Mr. Pratul Pratap Singh, Adv.

Mr. V.C. Shukla, Adv.

Mr. Amith J., Adv.

Mr. Anantha Narayana M.G., AOR

Mr. Rajesh Mahale, AOR

Ms. Farhat Jahan Rehmani, AOR

Mr. D. L. Chidananda, AOR

Mr. Shubhranshu Padhi, AOR

Mr. V. N. Raghupathy, AOR

Mr. Manendra Pal Gupta, Adv.

Mr. Prakash Jadhav, Adv.

Mr. Ravichandra Jadhav, Adv.

Mr. Sanjeev Kumar, Adv.

Mr. Vinod Kumar Srivastava, Adv.

Mr. Shailesh Madiyal, Sr. Adv.

Ms. Divija Mahajan, Adv.

Mr. Vaibhav Sabharwal, Adv.

Mr. Mrigank Prabhakar, AOR

Ms. Amisha Devi, Adv.

Mr. Sanjay M.Nuli, Adv.

For M/S. Nuli & Nuli, AOR

Mrs. Vaijyanthi Girish, AOR

Mr. R.S. Hegde, Adv.

Mr. Girish Ananthamurthy, Adv.

Mr. Shankar Divate, AOR

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

1. Delay condoned.
2. The application for deleting the name of respondent No.3 in C.A.Nos.6167-6169/2021 is disposed of as having become infructuous.
3. The application for substituting the names of LRs of respondent No.1 in C.A.Nos.6167-6169/2021 @ C.A.Nos.6160-6170/2021, is allowed, and the LRs of deceased respondent No.1 are ordered to be brought on record.
4. Cause-title be amended accordingly.

5. Leave granted in SLP(C) No.20408/2021, SLP(C) Nos.5410-5411/2022, SLP(C) No.11626-11627/2022, SLP(C) No.3879/2022, SLP(C) No.2479/2022, SLP(C) No.2478/2022, SLP(C) Nos.18096-18098/2022, SLP(C) No.4295/2023, SLP(C) Nos.20213-20220/2023, SLP(C) Nos.1801-1802/2021, SLP(C) No.10597/2022, SLP(C) No.11048/2022, SLP(C) No.10942/2022, SLP(C) Nos.11991-11992/2022, SLP(C) No.8984/2022, SLP(C) No.12443/2022, SLP(C) Nos.1420-1421/2021, SLP(C) No.1649/2021, SLP(C) No.11804/2022 and SLP(C) Nos.12831-12834/2022.

6. The appeals preferred by the Corporation, pertaining to the first and the second sub-category as mentioned in paragraph 7 of this order, are dismissed.

7. The cross-appeals filed by some of the land owners are also dismissed in terms of the signed order.

8. As a sequel to the above, all the pending interlocutory applications stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(Signed order is placed on the file)