

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).19681 OF 2017
(Arising out of SLP(C) No. 20647 of 2015)

MOHITE RAMAPPA BOODAPPA

Appellant(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

CIVIL APPEAL No(s).19684-85 OF 2017
(Arising out of SLP(C) No. 8327-8328 of 2016)

CIVIL APPEAL No(s).19682-83 OF 2017
(Arising out of SLP(C) No. 35885-35886 of 2015)

CIVIL APPEAL No(s). 19773-74 OF 2017
(Arising out of SLP(C) No. 35883-35884 of 2015)

CIVIL APPEAL No(s). 19686 OF 2017
(Arising out of SLP(C) No. 11496 of 2016)

CIVIL APPEAL No(s). 19688 OF 2017
(Arising out of SLP(C) No. 12001 of 2016)

CIVIL APPEAL No(s).19689 OF 2017
(Arising out of SLP(C) No. 12742 of 2016)

CIVIL APPEAL No(s).19687 OF 2017
(Arising out of SLP(C) No. 11268 of 2016)

CIVIL APPEAL No(s). 19690 OF 2017
(Arising out of SLP(C) No. 12937 of 2016)

CIVIL APPEAL No(s).19761 OF 2017
(Arising out of SLP(C) No. 11278 of 2016)

CIVIL APPEAL No(s). 19762 OF 2017
(Arising out of SLP(C) No. 11400 of 2016)

O R D E R

In C.As. @ SLP(C) Nos. 20647/2015, 8327-8328/2016, 35885-35886/2015 AND 35883-35884/2015

Leave granted.

Heard learned counsel for the parties.

The appeals have been preferred by the land owners aggrieved by the laconic order passed by the High Court in the Review application.

The land was acquired for the purpose of railway vide notification issued under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') on 2.8.2002. The Land Acquisition officer determined the compensation at the rate of Rs.2250/- per gunta. Reference court determined the compensation at the rate of 42,000/- per gunta, and High Court determined the compensation at the rate of Rs.59,895/- per gunta by relying upon the circle rates as specified by the Collector. 10% deduction was made, to arrive at the said figure of Rs.59,895/- per gunta. The High Court has, with respect to one of the matters granted Rs.53,905/- per gunta; whereas, in other matters no deduction was made and, it has

granted Rs.59,895/- per gunta.

After hearing learned counsel for the parties, we are of the considered view that it would be appropriate to grant compensation at the rate of Rs.53,905/- per gunta, as paid in one of the matters.

Thus, the order passed in the Review application is hereby set aside and, the order passed by the High Court in the main matter is, accordingly, modified. The compensation thus awarded is Rs.53,905/- per gunta, with all the statutory benefits. The amount be disbursed within three months.

The appeals are allowed to the aforesaid extent.

In C.As. @ SLP(C) Nos. 11496, 12001,12742,11268, 12937, 11278 and 11400 of 2016

Leave granted.

Heard learned counsel for the parties.

The land of the owners was acquired by way of issuance of Notification under Section 4 of the Act on 2.8.2002. The Land Acquisition Officer determined the compensation at the rate of Rs.1975/- per gunta. The reference court awarded compensation at the rate of Rs.25,000/- per gunta and the High Court, relying upon the circle rate, arrived at the figure of Rs.38115/- per gunta i.e. Rs.15,24,600/- per acre.

We have gone through the Award passed by the reference court. We find that there are certain sale exemplars that have been referred to in para 31 of the judgment of the

Reference court. There was valuation report also indicating the valuation at the rate of Rs.36,000/- per gunta.

Considering the said report and, the other material evidence on record and also, the finding recorded by the reference court that the land had non-agricultural potentiality, it would be appropriate to award compensation at Rs.35,000/- per gunta, instead of Rs.38,000/- per gunta, after making certain deductions for development. Thus, the compensation is determined at Rs.35,000/- per gunta. The order passed by the High Court in review application is hereby set aside, and that passed in the main matter is, accordingly, modified.

The appeals are allowed to the aforesaid extent.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGUDAR)

NEW DELHI;

NOVEMBER 21, 2017

ITEM NO.21

COURT NO.10

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

Petition(s) for Special Leave to Appeal (C) No(s). 20647/2015

(Arising out of impugned final judgment and order dated 26-08-2014 in RP No. 1516/2013 in MFA No. 23241/2011 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

MOHITE RAMAPPA BOODAPPA

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

WITH

SLP(C) No. 11496/2016 (IV-A)

SLP(C) No. 12001/2016 (IV-A)

SLP(C) No. 12742/2016 (IV-A)

SLP(C) No. 11268/2016 (IV-A)

SLP(C) No. 12937/2016 (IV-A)

SLP(C) No. 11278/2016 (IV-A)

SLP(C) No. 11400/2016 (IV-A)

SLP(C) No. 8327-8328/2016 (IV-A)

SLP(C) No. 35885-35886/2015 (IV-A)

SLP(C) No. 35883-35884/2015 (IV-A)

Date : 21-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. Ankolekar Gurudatta, AOR

Mr. V.S. Narayana Rao, Adv.

Mr. G.N. Jayantheswari, Adv.

Mr. Tomy Chakob, Adv.

For Respondent(s)

Mr. Pranay Ranjan, adv.

Ms. Snidha Mehta, Adv.

Mr. Raj Bahadur, Adv.

Mrs. Anil Katiyar, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)

COURT MASTER (SH)

(SIGNED ORDER IS PLACED ON THE FILE)

(JAGDISH CHANDER)

BRANCH OFFICER