

(2014) 02 SC CK 0095

In the Supreme Court Of India

Case No : Civil Appeal No's. 7269 and 1425 of 2013, SLP (C) No's. 1046-1059, 17875-17881 of 2009, 29763-29765, 31805-31806, 35767-35778, 22532, 22533-22534, 22535-22536, 22538-22539, 25647-25648, 25649-25652 of 2010, 767-768 of 2011, 23294-23337 of 2012 and 14378

Defence Research and Development Organization APPELLANT

Vs

Anjanappa and Another RESPONDENT

Date of Decision : 26-02-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 5, 54

Citation : (2014) 104 ALR 198 : (2014) ALT(Rev) 160 : (2014) 4 AWC 3709 : (2014) 4 JT 241 : (2014) 2 RCR(Civil) 287 : (2014) 123 RD 685 : (2014) 3 SCALE 302 : (2014) 6 SCJ 97 : (2014) 2 UPLBEC 1191

Hon'ble Judges : Jasti Chelameswar, J; Balbir Singh Chauhan, J

Bench : Division Bench

Advocate : S.W.A. Qadri, Kiran Bhardwaj, Mehmood Umar, B.V. Balaram Das, Anil Katiyar, B. Krishna Prasad, Rajesh Mahale, Krutin R. Joshi, Shailesh Madiyal, Aswathi, E.C. Vidya Sagar, Devendra Singh, S.N., Bhat, Dasharath T.M., D.P. Chaturvedi, M.A. Chinnasamy, K. Krishna Kumar, V. Senthil Kumar, S. Muthu Krishnan, Shankar Divate, E.R. Sumathy, Vijayanthi Girish, Anilendra Kant Srivastava, B.V. Bhandarkar, Ashok K. Mishra and Naresh Kumar, for the Appellant;

Final Decision : Allowed

Judgement

1. All these appeals and Special Leave Petitions have been preferred against various impugned judgments and orders passed by the High Court of Karnataka at Bangalore in various appeals including M.A. No. 2588 of 2004 by which the High Court has enhanced the amount of compensation.

2. The facts and circumstances giving rise to these appeals and special leave petitions mostly disposed of by a common judgment impugned before us had been that:

A. A huge chunk of land stood notified u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) vide Notifications dated 4.3.1993, 13.5.1993 and 2.6.1995 for the use of Defence Research and Development Organisation and the possession was taken after completing all the requirements under the Act. The persons interested therein filed their claims u/s 5 of the Act and led evidence, on the basis of which the Special Land Acquisition Officer (hereinafter called as the 'SLAO') had assessed the market value of the land as Rs. 60,000/- per acre.

B. Aggrieved, the Respondents approached the Reference Court by filing applications u/s 18 of the Act and the Reference Court vide award dated 30.11.2002 assessed the market value at the rate of Rs. 3,15,000/- per acre and Rs. 3,45,000/- per acre with respect to Notifications dated 4.3.1993, 13.5.1993 and 2.6.1995 respectively.

C. Aggrieved, the Union of India filed appeals u/s 54 of the Act for reducing the amount of compensation before the High Court. Respondents preferred cross-objections which have been allowed and the appeals of the Union of India have been dismissed. The High Court further enhanced the market value of land at the rate of Rs. 7,70,000/- in respect of land acquired under Notifications dated 4.3.1993 and 13.5.1993 and enhanced the market value of the land covered under the Notification dated 2.6.1995 to Rs. 8,40,000/-.

Hence, these appeals and special leave petitions.

3. The High Court had adopted the method of 10 per cent increase every year in the market value of the land and used the exemplar to conclude that the Appellant cannot be permitted to acquire the land of the Respondents at the price lesser than the market value of their land. The Court placed reliance on the earlier judgments of the Division Bench of the High Court of Karnataka and held that the land was comparable to the lands wherein the award dated 13.11.2002 had been delivered in LAC No. 263 of 1996. The land in question had a potential value on the date of preliminary Notification as was evident from the oral evidence adduced before the Reference Court. There was no dispute that the land which was subject matter of LAC 263 of 1996 and the lands in question were in contiguous and same geographical situation. After reaching the conclusion by the court, the award was given as per the market value as referred to hereinabove.

4. The High Court relied upon the judgment in earlier case in LAC No. 263 of 1996 and reached the aforesaid conclusion. Considering the geographical situation of the land, it cannot be held that compensation awarded is not justified.

We do not see any cogent reason to interfere with the impugned judgment and order, the appeals and special leave petitions lack merit and are accordingly dismissed.