
(1999) 12 SC CK 0050

In the Supreme Court Of India

Case No : Civil Appeals Nos. 6997-7002 Of 1999 With Nos. 7003-85 Of 19991

G. Rajendran and Others

APPELLANT

Vs

Spl. Tahsildar, Tamil Nadu

RESPONDENT

Date of Decision : 07-12-1999

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4

Citation : (1999) 9 JT 524 : (1999) 7 SCALE 399 : (2000) 10 SCC 1

Hon'ble Judges : A. S. Anand, C.J.; V.N. Khare, J; M. Jagannadha Rao, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. This batch of 89 civil appeals have a chequered history. We are, however, relieved of the necessity to trace out the history because of the view that we propose to take and which view has already been indicated to learned Counsel for the parties.

3. For the expansion of the existing mines and dumping yard for Neyveli Lignite Corporation (hereinafter referred to as 'the Corporation'), lands were acquired in various villages in South Arcot District. Notifications u/s 4(i) of the Land Acquisition Act, 1984 were published between 1975 to 1978. The Land Acquisition Officers made Awards on different dates. A large number of References were filed u/s 18 of the Land Acquisition Act by the land holders subsequently. The learned Sub-Judge allowed the References by enhancing the rate of compensation for (1) Wetlands; (2) Irrigated Dry Lands; (3) Dry lands; (4) House Sites; and (5) Cashew Thope. Against the enhancement of compensation, the Government filed appeals in which conditional stay was granted by way of an interim order by the High Court. Against the said order, the Corporation filed 63 Special Leave Petitions in this Court during 1986-1988. Those Appeals were disposed of by a common order on 16th March, 1989 with

the following directions:

(1) The Corporation shall deposit 40% of the enhanced compensation and the claimants can withdraw the same without security.

(2) The Corporation shall directly pay 50% of the enhanced compensation, on security to the satisfaction of the Registrar High Court.

(3) The balance 10% to be retained by the Corporation till disposal of the Appeals.

4. While the matters rested thus in this Court, it appears the Corporation filed 84 Writ Petitions seeking quashing of the Award of the learned Sub-Judge (Reference Court). The Writ Petitions were disposed of by a Full Bench on 28th April, 1989. It was held inter-alia that the Corporation was not a 'person interested' and therefore was not required to be heard in the matter of fixation of compensation.

5. Special Leave Petitions were filed in this Court against the Full Bench judgment of the High Court. The Appeals were allowed by this Court by the judgment reported as M/s. Neyvely Lignite Corpn. Ltd. Vs. Special Tahsildar (Land Acquisition), Neyvely and others, holding that the Corporation is a 'person interested'. The matters were remanded to the High Court with a direction that the Writ Petitions be treated as Appeals and that the Corporation be impleaded as a party respondent in the pending References also. Some of the Appeals were decided by a Division Bench of the High Court on 10th June, 1991. The High Court reduced the rate of compensation in respect of Cashew Thope Lands, House Sites and Manavari Dry Lands.

6. Against the judgment of the High Court dated 10th June, 1991, the claimant-land holders filed six Special Leave Petitions in this Court. The Corporation filed seven appeals. After 1995, another Division Bench of the High Court disposed of the remaining appeals pending in the High Court. It refused to remand the matters to the Reference Court as requested by the Corporation. It decided the States' appeals on merits, after hearing the Corporation, but fixed the same rates as were fixed by the Bench which decided some appeals earlier on 10.6.91, but two additional categorisations of land were made. Since, the High Court had rejected the prayer of the Corporation to remand the matters to the Reference Court to enable the Corporation to adduce evidence, the Corporation filed 83 Special Leave Petitions against that order in this Court. That is how, in all, these 89 Special Leave Petitions, in which leave is granted, are before us.

7. Keeping in view the fact that the lands stand acquired vide Notifications issued between 1975 to 1978 and that the possession had already been taken by the Corporation, after following the necessary formalities and the parties have been litigating for almost quarter of a century, we suggested to learned Counsel for the parties, since the dispute centered around only the rate of compensation, to arrive at an amicable settlement. Learned counsel for the parties put up their

respective suggestions with regard to the compensation for the (1) Wetlands; (2) Irrigated dry land (3) Dry land; (4) Cashew Thope; and (5) House Sites. It was brought to our notice that in about 6700 cases, during the pendency of the litigation, the parties had agreed to have the matter settled through Lok Adalat. Those 6700 cases were settled by the Lok Adalat. The Lok Adalat fixed lump-sum compensation, inclusive of solarium and interest, for the Wetlands; Irrigated dry land; Dry land; Cashew Thope; and House Sites after taking note of the rates fixed by a High leveled Committee.

8. We find that between the rates fixed as per the orders of the High Court, impugned before us, and the rates fixed by the Lok Adalat in other cases, there is a vast difference. After hearing learned Counsel for the parties and with a view to give quietus to this litigation in the present set of cases, it appears appropriate to us, in order to do complete justice between the parties, to direct as follows:

(1) That in modification of the orders of the High Court, the compensation shall be payable to the land holders in these cases at the following rates:

Wetlands Rs. 94,000/- per Acre. Irrigated Dry land Rs. 82,000/- per Acre. Dry land Rs. 47,000/- per Acre. Cashew Thope Rs. 85,000/- per Acre. House Sites Rs. 73,000/- per Acre. These amounts are inclusive of solatium and interest and are lump-sum payments. The rates fixed by us above are confined to the preset set of cases.

(2) That no previously settled cases shall be re-opened on the basis of the rates fixed by us as above.

(3) In cases where the land holders have withdrawn from the bank out of the 50% deposit and are required to refund some amount on the basis of the amounts as fixed by us above, the Corporation shall recover that amount by 12 equal instalments of one and a half month each. Similarly, if any additional amount, under our above directions, is to be paid to the landholders, it shall be done within three months from the date of this order.

(4) In the event, the amount of 50% is still lying with the banks and a refund is required to be made to the Corporation by the landholders, that refund may be obtained out of the 50% amount of bank deposit.

9. With the aforesaid directions all the claims arising out of the 89 appeals listed before us shall stand disposed of in full and final settlement.

10. Before parting with the order, we wish to place on record our appreciation of the assistance rendered by learned Counsel for the parties to arrive at these figures of compensation.

11. The appeals are disposed of accordingly. There will be no order as to costs.