
(1997) 01 SC CK 0084

In the Supreme Court Of India

Case No : Spl. Leave Petition (C) No. 2846 of 1997 (CC-821/97)

Gurlingappa and others

APPELLANT

Vs

Assistant Commissioner and Land Acquisition Officer, Gulbarg

RESPONDENT

Date of Decision : 28-01-1997

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1)

Citation : AIR 1997 SC 1750 : (1997) AIRSCW 945 : (1997) 2 JT 400 : (1997) 2 RLW 292 : (1997) 1 SCALE 746 : (1997) 3 SCC 627 : (1997) 1 SCR 652 : (1997) 2 Supreme 646

Hon'ble Judges : S. Saghir Ahmad, J;K. Ramaswamy, J;G. B. Pattanaik, J

Bench : Full Bench

Advocate : Rajani, K. Prasad and T.C. Sharma, for the Appellant;

Final Decision : dismissed

Judgement

1. Delay condoned.

2. Notification u/s 4(1) of the Land Acquisition Act, 1894 was published in October, 1977 for construction of Amerja Project. The Land Acquisition Officer in his award u/s 11 awarded compensation @ Rs. 3,000/- per acre. On reference, the District Court enhanced the compensation to Rs. 6,300/- per acre for dry lands and Rs. 9,820/- per acre for Bgayat Lands (cultivable lands). On appeal, the High Court dismissed the same and confirmed the award of the reference Court. Thus, this special leave petition.

3. It is contended for the petitioners that in similar circumstances, the Additional Civil Judge has enhanced the compensation to Rs. 12,000/-per acre for the irrigated land and Rs. 8,000/- per acre for the dry lands and confirmed by the judgment of the High Court in RFA Nos. 1160 and 1825/92 and, therefore, the petitioners also are entitled to the same compensation. We find no force in the contention. It is now well settled legal position that in compulsory acquisition, the Court would sit in the arm-chair of a willing purchaser and would ask

whether as a reasonable prudent vendee, he would offer in the open market the rate of market value proposed by him in respect of the land under acquisition. The Court requires to consider the relative values of the lands in the neighbourhood, the soil condition and same or similar advantageous features on comparable prices. The High Court has pointed out in its judgment that there is no evidence to show that the lands referred to in those judgments bear any similarity to the lands in question. On the other hand, it is pointed out that for the same project and for the lands situated in the same village another award for a sum of Rs. 6,320/- per acre was passed by the Additional Civil Judge and the same has been upheld by the High Court.

4. Under these circumstances, we do not find any illegality in the determination of the compensation warranting interference.

5. The SLP is accordingly dismissed.