
(1999) 02 SC CK 0051

In the Supreme Court Of India

Case No : I.A. No. 2 in C.A. No. 3303/97

Sri Srikanta D N Wadiyar

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 15-02-1999

Acts Referred:

Citation : (1999) 3 SCALE 118

Hon'ble Judges : A. S. Anand, C.J.;N. Santosh Hedge, J;M. Srinivasan, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

I.A. No. 2

1. The respondent - State of Karnataka, through this application seeks permission
(a) to widen the road at Palace Cross Road near Vasanthanagar by making use of a strip of land measuring 20 mtrs. x 650 mtrs. belonging to the Bangalore Palace :
(b) to plant 12000 saplings in an area of 120 acres.
2. Objections have been filed to the application by the appellant.
3. We have heard learned counsel for the parties.
4. In his affidavit dated 4th January, 1998, the appellant has stated that he has no objection to the acquisition of the aforesaid strip of land, as mentioned in I.A. No. 2, for providing the link road provided the buildings which would be demolished as a consequence thereof, are relocated by the State Government and the granite compound wall is also reconstructed.
5. Keeping in view the object for which the strip of land measuring 20 mtrs. x 650 mtrs. is sought to be used, i.e. for providing a link road, we are of the opinion that permission to do so needs to be granted to the State.

6. In the affidavit filed by the State on 4th January, 1999, it is stated that Bangalore Maha Nagara Palika has informed the State Government that to construct the buildings and to relocate the occupants, about three months' time would be required and further that the State shall construct the compound wall before pulling down the existing compound wall. The learned Advocate General for the State of Karnataka submits that the relocation of the structures would be made in one block away from the compound wall.

7. Under the circumstances, we consider it appropriate to bind the parties by the statements made in their affidavits referred to above in this regard.

8. Mr. Arun Jaitley, learned Senior counsel appearing for the appellant submits that the appellant should be paid compensation for the land measuring 20 mtrs. x 650 mtrs. under the Land Acquisition Act since that strip of land is being acquired for a public purpose and would be lost to the palace even if the appeal succeeds. The learned Advocate General, in response, while opposing that prayer submits that the costs of the land stands already included in the compensation determined for the entire area and no other compensation is required to be paid to the appellant for acquiring the said strip of the land, in view of the fact that the validity of the Act has been upheld by the High Court.

9. After giving our careful consideration to the aspect of compensation, we direct that the State Government shall, in the event the appellant succeeds in the appeal, be liable to pay compensation to the appellant for the strip of land measuring 20 mtrs. x 650 mtrs. as per the provisions of the land Acquisition Act. The amount of compensation for this strip of land as per the calculation in the original award is Rs. 7,46,734/-. This amount should, however, be paid to the appellant. It will be subject to such adjustments as may become necessary at the conclusions of the appeal. The amount aforesaid shall be paid to the appellant before any construction or demolition work is started by the State Government.

10. Insofar as the prayer for planting 12000 saplings is concerned, as at present advised, we do not consider it necessary to grant that prayer. It is accordingly rejected.

11. The period of three months during which the construction is to be completed shall commence from the date the possession is obtained by the State Government of the aforesaid strip of land after payment of the amount as already noticed.

12. The application (I.A. 2) shall stand disposed of in the above terms.