

(1992) 11 SC CK 0014

In the Supreme Court Of India

Case No : Civil Appeal No. 3277 Of 1984

State of Kerala and Another

APPELLANT

Vs

Sri Mambarambil Gregory and Others

RESPONDENT

Date of Decision : 26-11-1992

Acts Referred:

Kerala Land Acquisition Act, 1961 — Section 19

Citation : (1995) 9 JT 594 : (1995) 4 SCC 414 Supp

Hon'ble Judges : V. Ramaswami, J;Kuldip Singh, J;K. Ramaswamy, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

K. Ramaswamy, J.—Notification acquiring 8.83 hectares of land for the purpose of constructing the dam was published on January 30, 1971 u/s 19 of the Kerala Land Acquisition Act, 1963. The purpose of acquisition was to extract the granite lying in the area under acquisition. The Land Acquisition Officer awarded separately for granite, apart from the land where no granite is available. On a reference made to the Civil Court, a Commissioner came to be appointed, who on personal inspection noted that 7,12,500 Cubic Metres granite was available in 15.77 acres of land. He assessed the rate at Rs. 1,02,493-. The Reference Court, accepting the report relating to the quantum of granite available, extent of the land and the value thereof, determined the land value at a sum of Rs. 17,717.59, as assessed by the Land Acquisition Officer himself, and awarded an additional compensation in a sum of Rs. 98,011.07 for the granite as well as value of the trees standing on the land. The respondent filed cross-objections and the High Court enhanced the compensation at Rs. 1,78,125/-.

2. The High Court and the Reference Court had appreciated the evidence and came to the conclusion that the compensation for the granite, as assessed by the Commissioner, would be as determined by it. We do not think that there is any error of law in assessing the evidence warranting interference.

3. The appeal is accordingly dismissed. No costs.