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Defence Research and Development Org. Vs. Anjanappa and anr

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Court : Supreme Court of India

Decided On : Feb-26-2014

Judge : B.S. Chauhan and J. Chelameswar

Appellant : Defence Research and Development Org.

Respondent : Anjanappa and anr

Judgement :

REPORTABLE IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL No.7269 OF2013 Defence Research & Development Organization .Appellant VERSUS Anjanappa & Anr. .Respondents WITH SLP (C) NO (s). 1046-1059 of 2009 SLP(C) NO(s). 17875-17881 of 2009 SLP(C) NO(s). 29763-29765 of 2010 SLP(C) NO(s). 31805-31806 of 2010 SLP(C) NO(s). 35767-35778 of 2010 SLP(C) NO(s). 14378-14379 of 2013 SLP(C) NO(s). 767-768 of 2011 SLP(C) NO(s). 23294-23337 of 2012 SLP (C) NO(s). 22532 of 2010 SLP(C) NO(s). 22533-22534 of 2010 SLP(C) NO(s). 22535-22536 of 2010 SLP(C) NO(s). 22538-22539 of 2010 SLP(C) NO(s). 25647-25648 of 2010 SLP(C) NO(s). 25649-25652 of 2010 CIVIL APPEAL No.1425 of 2013

ORDER

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 under Section 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 under Section 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 under Section 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.3,45000/- 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 under Section 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

LAC263of 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. .....J.

(Dr. B.S. CHAUHAN) .....J.

(J.

CHELAMESWAR) NEW DELHI; February 26, 2014.-.---------- 4

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