

The Executive Engineer, Knnl Vs. Subhashchandra

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Court : Supreme Court of India

Decided On : Mar-12-2024

Judge : Hon'Ble Mr. Justice Surya Kant Hon'Ble Mr. Justice K.V. Viswanathan

Appeal No. : C.A. No.-004053-004053 - 2024

Appellant : The Executive Engineer, Knnl

Respondent : Subhashchandra

Advocate for Pet/Ap. : HETU ARORA SETHI __

Judgement :

REPORTABLE 2024 INSC208IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION CIVIL APPEAL No.OF2024(Arising out of SLP (Civil) No.13065/2022) THE EXECUTIVE ENGINEER, KNNL APPELLANT VERSUS SUBHASHCHANDRA & ORS. RESPONDENTS WITH CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.9897/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.10982/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.14054/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.13826/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.13864/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.14053/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(Civil) No.14055/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C) No.13876/2022) CIVIL APPEAL

No.OF2024(Arising out of SLP(C) No.14048/2022) 1 | P a g e CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13950/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13948/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13827/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.14045/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13949/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13859/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13873/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.13877/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.11398/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.10980/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.10007/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.10176/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.9860/2022) CIVIL APPEAL
 No.OF2024(Arising out of SLP(C) No.11163/2022) CIVIL APPEAL No.OF20242 |
 P a g e (Arising out of SLP(C) No.10570/2022) CIVIL APPEAL No.OF2024(Arising
 out of SLP(C) No.11170/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.14052/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.14046/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.13825/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.14050/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.12949/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.13947/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.10081/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C)
 No.10014/2022) CIVIL APPEAL No.OF2024(Arising out of SLP(C) No.2284/2023)
 CIVIL APPEAL No.OF2024(Arising out of SLP(C) No./2024) [Diary
 No(s).12213/2023]. CIVIL APPEAL No.OF2024(Arising out of SLP(C) No./2024)
 [Diary No(s).13231/2023]. 3 | P a g e JUDGEMENT SURYA KANT, J.

1. Permission to file special leave petition is granted in Diary No.12213/2023.
2. Delay condoned.
3. Leave granted.

4. These civil appeals impugn the judgements dated 28.02.2017, 28.11.2017, 15.02.2018, 20.02.2018, 21.02.2018, 02.03.2018, 22.03.2018, 06.04.2018, 13.04.2018, 26.04.2018, 07.12.2018, 12.12.2018, 14.01.2020, 24.01.2020 and 03.03.2021, passed by the High Court of Karnataka at Kalaburagi Bench, whereby compensation for the acquired land was enhanced. The appellant-Karnataka Neeravari Nigam Limited (in short, Corporation) claims to be the beneficiary of the subject- acquisition.

5. The Corporation has been entrusted with the assignment to plan, execute and operate drinking water and irrigation projects and schemes in the State of Karnataka. About 13000 acres of land was acquired by the State of Karnataka for the appellant- Corporation for various projects like (1) Bennethora Project (2) Gandori Nala Project (3) Lower Mullamari Project and (4) Amarja 4 | P a g e Project. Certain civil appeals also refer to a fifth project, namely, the Upper Tunga Project. This huge chunk of land measuring 13000 acres also included the parcels of lands owned by the respondent-land owners of different villages. The acquisition was carried under the Land Acquisition Act, 1894 (in short, Act). The present civil appeals pertain to the Bennethora Project, Lower Mullamari Project and Amarja Project situated in Kalaburagi, Karnataka.

6. The acquisition proceedings in these appeals, as per the project-wise classification, progressed as follows- (i) Bennethora Project a) Civil Appeal Nos.4053, 4054, 4055, 4956, 4061, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4085, 4086, 4087 of 2024 pertain to this project. In this batch of civil appeals coming under the Bennethora Project, land measuring a consolidated total of 131 acres and 451 guntas (Approx. 142 acres) was acquired through different notifications issued under Section 4 of the Act followed by declarations under Section 6 of the Act. The Section 4 notifications and the Section 6 declarations were issued on the following dates- 5 | P a g e

Date of Section 4 Notification	Date of Section 6 Declaration
18.02.1982	10.05.1984
17.03.1983	23.02.1984
05.04.1990	22.11.1990
05.07.1990	09.05.1991
23.08.1990	04.04.1991
07.02.1991	28.11.1991
16.05.1991	26.03.1992
13.06.1991	20.12.1991
19.06.1991	17.12.1992
11.07.1991	27.08.1997
06.08.1992	13.01.1994

b) The Special Land

Acquisition Officer (in short, SLAO) passed the awards for the acquired lands on different dates, whereby compensations were granted at the following rates- Date of SLAO award Compensation granted by SLAO (Rupees/acre) 23.01.1985 3,167 28.02.1985 3,500 08.01.1991 5,400 20.05.1991 6,000 for wet lands 15.06.1992 9,800 28,000 for dry lands & 30.01.1993 42,000 for wet lands 03.02.1993 15,000 22.11.1993 15,000 27.11.1993 15,000 24.12.1993 15,000 31.05.1994 9,000 c) The rates of compensation awarded by the SLAO were enhanced by the Reference Court, keeping in view the year when the acquisition process commenced. The enhanced 6 | P a g e compensation amounts granted by the Reference Court was further enhanced, upon appeal, by the District Court. d) The dissatisfied landowners further approached the High Court for a higher compensation, which was subsequently granted vide the impugned judgements. The original rates of compensation awarded by the SLAO, the enhanced compensation amounts granted by the Reference Court, the compensation amounts as further enhanced by the District Court and impugned compensation amounts granted by the High Court, vide the impugned judgements, can be understood as follows-

Amount granted by SLAO (Rupees/acre)	Amount granted by Reference Court (Rupees/acre)	Amount granted by District Court (Rupees/acre)	Amount granted by High Court (Rupees/acre)
3,167	11,000	19,000	
1,09,034	3,500	11,000	26,100
28,500	74,000	1,64,223	15,000
1,76,388	15,000	32,000	81,400
			1,76,388
			6,000
			36,000
			Rs.90,200
			2,28,088

for wet lands 28,000 for 42,000 for 55,888 for 1,52,059 for dry lands & limited extent dry lands dry lands 42,000 for of land 83,832 for 2,28,088 for wet lands instead of wet lands wet lands 28,000 9,800 42,000 75,750 1,64,223 for 7 | P a g e dry lands 2,46,334 for wet lands (ii) Amarja Project a) Civil Appeal Nos.4057, 4058, 4059, 4060 & 4062, 4084 of 2024 pertain to this Project. In the batch of civil appeals coming under the Amarja Project, land measuring a consolidated total of 15 acres 83 guntas (Approx. 17 acres) was acquired through a notification issued under Section 4 of the Act followed by a declaration under Section 6 of the Act. The Section 4 notification and the Section 6 declaration were issued on the following dates- Date of Section 4 Notification 07.04.1988 Date of Section 6 Notification 06.07.1989 b) Thereafter, the SLAO passed the award for the acquired lands

whereby compensations was granted at the following rate- Date of SLAO award Compensation granted by SLAO (Rupees/acre) 06.03.1990 7,000 c) The rate of compensation awarded by the SLAO was enhanced by the Reference Court, keeping in view the year when the acquisition process commenced. The enhanced 8 | P a g e compensation amount granted by the Reference Court was further enhanced, upon appeal, by the District Court. d) The dissatisfied landowners further approached the High Court for a higher compensation, which was subsequently granted vide the impugned judgements. The original rate of compensation awarded by the SLAO, the enhanced compensation amount granted by the Reference Court, the compensation amount as further enhanced by the District Court and impugned compensation amount granted by the High Court, vide the impugned judgements, can be understood as follows-

Amount granted by SLAO (Rupees/acre)	Amount granted by Reference Court (Rupees/acre)	Amount granted by District Court (Rupees/acre)	Amount granted by High Court (Rupees/acre)
7,000	30,000	79,200	1,78,429

(iii) Lower Mullamari Project a) Civil Appeal Nos. 4063, 4088, 4089 of 2024 pertain to this Project. In the batch of civil appeals coming under the Lower Mullamari Project, land measuring a consolidated total of 19 acres 59 guntas (Approx. 20 acres) was acquired through notifications under Section 4 of the Act followed by declarations under Section 6 of the Act, which were issued on different dates. 9 | P a g e

Date of Section 4 Notification	Date of Section 6 Declaration
30.05.1991	04.03.1993
11.05.1992/ 03.09.1992	07.04.1994
14.01.1993	07.04.1994

b) Thereafter, the SLAO passed the awards for the acquired lands on different dates, whereby compensations were granted at the following rates- Date of SLAO award Compensation granted by SLAO (Rupees/acre) 8,000 for dry lands & 10,000 for 04.05.1983 wet lands 10,000 for dry lands & 15,000 for 18.11.1995 wet lands 01.01.1996 8,000 c) The rates of compensation awarded by the SLAO were enhanced by the Reference Court, keeping in view the year when the acquisition process commenced. The enhanced compensation amounts granted by the Reference Court was further enhanced, upon appeal, by the District Court. d) The dissatisfied landowners further approached the High Court for a higher compensation, which was subsequently 10 | P a g e granted vide the impugned

judgements. The original rates of compensation awarded by the SLAO, the enhanced compensation amounts granted by the Reference Court, the compensation amounts as further enhanced by the District Court and impugned compensation amounts granted by the High Court, vide the impugned judgements, can be understood as follows-

	Amount granted by SLAO	Amount granted by Reference Court	Amount granted by District Court	Amount granted by High Court
dry lands	8,000	70,000	1,15,086	1,24,992
wet lands	10,000	10,000	15,000	1,86,440
dry lands & wet lands	8,000	33,000	74,750/75,543	1,33,500

7. It may thus be seen that the enhancement in the compensation granted by the High Court varies from project to project and while the minimum amount is Rs.83,500/- per acre, the maximum amount is seen to have gone up to Rs.1,78,429/- per acre for dry lands and Rs. 2,46,334/- for wet lands.

8. Having regard to the big chunk of land acquired for 11 | P a g e different projects referred to above, at different points in time, the enhancement made by the High Court in a few cases, where the compensation of Rs.1,20,814/- per acre for dry lands and Rs.1,81,221/- per acre for wet lands was awarded, came to be challenged before this Court in a batch of appeals, including C.A. No.2591/2022 (The Executive Engineer, KNNL Vs. Annarao @ Anveerappa & Anr.), in which this Court, vide Judgment dated 10.05.2022, having found that the High Court has not analyzed each case independently, much less notification wise, concerning particular village or area and that the parameters delineated in various decisions of this Court were not adverted to, held as follows: In the impugned judgment(s) and order (s), the High court has made no effort to analyze the concerned case(s) either notification-wise or for that matter, village-wise, including the other parameters required to be observed for arriving at a just compensation amount. Further, in most of the appeals, the appellant (Karnataka Neeravari Nigam Limited} was not made party in the appeal proceeding before the High Court. It is also the grievance of the appellant that most of the cases, entertained at the instance of land owners, were grossly delayed and yet they have been granted enhancement, and in some cases along with interest. The fact remains that the High Court in the impugned judgment(s) and order(s} has not analyzed each case

independently much less notification-wise concerning particular village or area and keeping in mind the 12 | Page parameters delineated in the reported decision, adverted to earlier. In our opinion, it is appropriate that the parties are relegated before the High Court for reconsideration of the entire matter afresh and in accordance with law. Learned counsel appearing for the land owners were at pains to point out that some matters pertaining to some of the notifications, referred to in the present appeal proceedings, have reached upto this Court and decided in favour of the land owners, including in some cases the appellants have acted upon the decision by paying compensation amount. Even the effect of such orders passed by this Court can be examined by the High Court on its own merits and in accordance with law. Accordingly, we keep all contentions available to both sides open, to be considered by the High Court on its own merits and in accordance with law. The impugned judgment(s) and order(s) are set aside and the concerned appeals/petitions are remanded to the High Court for reconsideration in the above terms. The parties to appear before the High Court on 11.07.2022, when the High Court may assign suitable date for hearing of the concerned batch of cases which, as aforesaid, must proceed notification-wise pertaining to concerned village as a separate group. Needless to observe that some of the notifications pertain to the year 1983, therefore, it would be appropriate that the High Court disposes of the appeal(s) expeditiously. The appeals are disposed of in the above terms.

9. The High Court judgments, which were set aside and the cases remanded back for fresh consideration, also included the judgments rendered by the High Court in MSA No.200020/2018 13 | Page (LAC) titled Rajshekhar s/o Sangappa deceased by Lrs. vs. The Special Land Acquisition Officer, MSA No.200014/2018 (LAC) titled Kalappa S/o Paudappa v. The Special Land Acquisition Officer and MSA No.200147/2017 (LAC) titled Motibee W/o Mashak Patel v. The Spl. Land Acquisition Officer & Anr. decided on 19.02.2018, 21.02.2018 and 09.01.2018 respectively, awarding compensation of Rs.1,64,223/acre, Rs.1,64,223/acre and Rs.1,52,059/acre respectively for the dry lands. Consequently, Rajshekhar's case (supra) has also been remanded to the High Court for fresh adjudication. The abovementioned judgements of the High Court had in turn placed reliance on MSA No.200055/2016 (LAC) titled Malkajappa @ Mallikarjun vs. The Special Land

Acquisition Officer & Anr, decided by the High Court on 13.03.2017, which has also been remanded to the High Court vide this Courts order dated 10.05.2022 in Annarao @ Anveerappa case (supra).

10. We find that in the present batch of appeals, the brief impugned order passed by the High Court in CA No.4053/2024, has solely relied upon its own decision in Rajshekhar's case (supra). In some of the other appeals, namely CA Nos. 4954, 4055, 4056, 4064, 4065, 4066, 4067, 4068, 4079, 4080, 4081, 4082, 4083, 4087 and 4088 of 2024, the High Court has relied upon its 14 | Page decision in Malkajappa @ Mallikarjun (supra), Kalappa (supra) (which placed reliance on Malkajappa @ Mallikarjun (supra)) and Motibee (supra)(which placed reliance on Malkajappa @ Mallikarjun (supra)). These judgments did not find favour with this Court in Annarao @ Anveerappa case (supra), whereby the matters have been remanded to the High Court for reconsideration.

11. Learned senior counsel for the appellant-Corporation, submits that after the remand, the matter has been heard in part by the High Court.

12. On the other hand, learned senior counsel for the respondents-land owners submits that there are numerous cases in which similarly placed land owners have already been paid compensation at enhanced rate granted by the High Court. Those judgments of the High Court have attained finality and are not subject matter of these appeals.

13. Learned senior counsel for the appellant(s), however, counters this submission, as according to him, those matters pertain to different villages and the respondents cannot claim parity with those cases.

14. We have considered the rival submissions made by learned senior counsel for the parties. It is not in dispute that a batch of 15 | Page cases has been remanded by this Court for reconsideration by the High Court, as seen above. It is also an admitted fact that those matters pertain to the same broader acquisition, though they possibly pertain to different projects. In a peculiar situation where some of the judgments of the High Court attained finality as the compensation amount, as enhanced, stands paid whereas the others are still subject matter of

adjudication, we deem it appropriate to remand these cases also to the High Court so that a holistic view pertaining to the subject acquisition, at least project wise, can be taken by the High Court. The High Court will make an endeavour to infuse uniformity in the matter of award of compensation, to the extent it is possible, in accordance with law.

15. It goes without saying that the High Court, while undertaking this exercise, will not reduce the compensation to a rate which has already been paid to some of the land owners and which has attained finality. The rest of the contentions from both sides are kept open to be gone into by the High Court.

16. It is clarified that we have not expressed any opinion on the merits of the case.

17. The parties are directed to appear before the High Court of Karnataka at Kalaburagi Bench on 18.03.2024. We request the 16 | P a g e High Court to take up these matters also, along with the Rajshekhar's case (supra) and other cases, which are already part heard before the High Court. Since the acquisition is more than three decades old, we request the High Court to decide the matters expeditiously and preferably within three months from the date of this judgement.

18. The instant civil appeals are disposed of in the above terms.
.....J.

(SURYA KANT)J.

(K.V. VISWANATHAN) New Delhi; March 12, 2024. 17 | P a g e ITEM NO.37 COURT NO.4 SECTION IV-A S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (C) No(s).13065/2022 (Arising out of impugned final judgment and order dated 22-03-2018 in MSA No.200214/2017 passed by the High Court Of Karnataka At Kalaburagi) THE EXECUTIVE ENGINEER, KNNL Petitioner(s) VERSUS SUBHASHCHANDRA & ORS. Respondent(s) (IA No.77872/2022 - EXEMPTION FROM FILING O.T., IA No.88121/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) WITH SLP(C) No.9897/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.10982/2022 (IV-A) (FOR ADMISSION and I.R.)

SLP(C) No.14054/2022 (IV-A) SLP(C) No.13826/2022 (IV-A) SLP(C) No.13864/2022 (IV-A) SLP(C) No.14053/2022 (IV-A) (IA No.87862/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

) SLP(C) No.14055/2022 (IV-A) SLP(C) No.13876/2022 (IV-A) SLP(C) No.14048/2022 (IV-A) (IA No.80940/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

) SLP(C) No.13950/2022 (IV-A) (IA No.79667/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

) SLP(C) No.13948/2022 (IV-A) 18 | P a g e SLP(C) No.13827/2022 (IV-A) (IA No.92277/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

) SLP(C) No.14045/2022 (IV-A) SLP(C) No.13949/2022 (IV-A) SLP(C) No.13859/2022 (IV-A) SLP(C) No.13873/2022 (IV-A) SLP(C) No.13877/2022 (IV-A) SLP(C) No.11398/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.10980/2022 (IV-A) (FOR ADMISSION) SLP(C) No.10007/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.10176/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.9860/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.11163/2022 (IV-A) SLP(C) No.10570/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.11170/2022 (IV-A) SLP(C) No.14052/2022 (IV-A) SLP(C) No.14046/2022 (IV-A) SLP(C) No.13825/2022 (IV-A) SLP(C) No.14050/2022 (IV-A) SLP(C) No.12949/2022 (IV-A) SLP(C) No.13947/2022 (IV-A) SLP(C) No.10081/2022 (IV-A) (FOR ADMISSION and I.R.) 19 | P a g e SLP(C) No.10014/2022 (IV-A) (FOR ADMISSION and I.R.) SLP(C) No.2284/2023 (IV-A) Diary No(s). 12213/2023 (IV-A) (IA No.75815/2023-CONDONATION OF DELAY IN FILING and IA No.75814/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT

and IA No.75810/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..)) Diary No(s). 13231/2023 (IV-A) (IA No.70226/2023-CONDONATION OF DELAY IN FILING and IA No.70231/2023-EXEMPTION FROM FILING O.T. and IA No.70233/2023- PERMISSION TO FILE LENGTHY LIST OF DATES) Date :

12. 03-2024 These matters were called on for hearing today. CORAM : HON'BLE MR. JUSTICE SURYA KANT HON'BLE MR. JUSTICE K.V. VISWANATHAN For Petitioner(s) Mr. Naveen R. Nath, Sr. Adv. Ms. Hetu Arora Sethi, AOR Mr. Abhimanyu Verma, Adv. Ms. Lalit Mohini Bhat, Adv. Ms. Disha Gupta, Adv. Ms. Hetu Arora Sethi, Adv. For Respondent(s) Mr. Anand Sanjay M Nuli, Sr. Adv. Mr. Suraj Kaushik, Adv. Mr. Agam Sharma, Adv. Mr. Nanda Kumar, Adv. Mr. Dharm Singh, Adv. M/s. Nuli & Nuli, AOR Mrs. Kiran Suri, Sr. Adv. Mr. Sharanagouda Patil, Adv. Mr. Harshvardhan Malipatil, Adv. Mr. Jyotish Pandey, Adv. Ms. Supreeta Sharanagouda, AOR Mr. S. J.

Amith, Adv. Mrs. S. Anuradha Bhat, Adv. Mr. Harisha S.R., AOR UPON hearing the counsel the Court made the following

ORDER

1 Permission to file special leave petition is granted in Diary No.12213/2023. 20 | P a g e 2. Delay condoned.

3. Leave granted.

4. The civil appeals are disposed of in terms of the signed reportable judgment.

5. All pending applications, if any, also stand disposed of. (ARJUN BISHT) (PREETHI T.C.) COURT MASTER (SH) COURT MASTER (NSH) (signed reportable judgment is placed on the file) 21 | P a g e

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