THE SPECIAL LAND ACQUISITION OFFICER, SRIRANGAPATNAM

v.

NAGEGOWOA

AUGUST 23, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Land Acquisition Act, 1894 : Sections 4(1), 23(1-A), 23(2), 28 and 54.

Land Acquisition—Compensation—Principle for determination—Compensation awarded by Land Acquisition Officer @ Rs. 4800 per acre—On reference Civil Judge enhancing compensation to Rs. 20,000 per acre—Reliance placed by Reference Court on award in another case—Other case related to land with Coconut trees—Even the amount awarded in other case was subject matter of appeal—Held in the circumstance award relied on was irrelevant for, determination of compensation—Landowner held entitled to compensation @ Rs. 10,000 per acre—Also held entitled to solatium, interest and additional amount.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 11369 of 1996.

From the Judgment and Order dated 18.8.94 of the Karnataka High Court in M.F.A. No. 1311 of 1994.

K.R. Nagaraja for the Appellant.

Shanta Kr. and K.K. Gupta for the Respondent.

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel on both sides.

Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on December 26, 1985 acquiring land admeasuring 5 acres 21 gunthas for the purpose of formation of Hemavathi left bank canal. The Land Acquisition Officer awarded compensation on February 23, 1988 @ Rs. 4,800 per acre. On reference, the civil Judge relying upon Ex. P-3

A awarded compensation @ Rs. 20,000 per acre. He categorically rejected the contention of the claimant that he was growing sugarcane, hybrid jowar and mulberry getting a full yield of Rs. 25,000 per acre. On appeal, the High Court by impugned judgment dated August 18, 1994 in FA No. 1311/94 confirmed the same. Thus this appeal by special leave.

B Having considered the facts and circumstances in this case, we think that reasonable compensation would be Rs. 10,000 per acre. The judgment referring to Ex. A-3 has been placed before us and it indicates that it related to land with coconut trees. Even the amount awarded by the civil judge in that case is now subject matter in the appeal before the District C Judge filed under Section 54 of the Act. Under these circumstances, Ex. A-3 is absolutely irrelevant for determination of the compensation. Accordingly, the respondent is entitled to enhanced compensation @ Rs. 10,000 per acre with solatium at 30% under Section 23(2), interest under Section 28 at 9% for one year from the taking of possession and at 15% thereafter on enhanced compensation till date of deposit into court and additional D amount under Section 23(1-A) at 13% per annum from the date of issue of Section 4(1) notification till date of the award.

The appeal is accordingly allowed. No costs.

T.N.A. Appeal allowed.