

Raja Srivalgoti Sarvagna Kumara ... vs Special Land Acquisition Officer, City ... on 16 January, 1979

Equivalent citations: AIR1979SC869, (1979)4SCC356, 1979(11)UJ282(SC), AIR 1979 SUPREME COURT 869, 1979 UJ (SC) 282 1979 (4) SCC 356, 1979 (4) SCC 356

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Bench: A.D. Koshal, P.N. Bhagwati

JUDGMENT

P.N. Bhagwati, J.

1. This appeal arises out of proceedings for determination of compensation in respect of acquisition of certain areas of land in survey Nos. 6, 9, 10 and 11 of under two different notifications issued under Section 4 followed by notifications under Section 6 of the Land Acquisition Act, 1894. The first notification under Section 4 was issued on 30th October, 1951 in respect of an area of approximately 4 acres of land, while the second notification Under Section 4 was issued on 28th January, 1954 in respect of another area of approximately 4 acres, both the areas being out of the same block of land comprising Survey Nos. 6, 9, 10 and 11. The Land Acquisition Officer awarded Rs. 1/-per sq. yard for good land and 25 paise per sq. yard for bad land as and by way of compensation for the acquisition under both the notifications. The appellants who are admittedly the owner of both the areas acquired under the two notifications carried the matter by way of reference to the District Court under Section 18 and the District Courts increased to amount of compensation to Rs. 3 75 per sq. yard for good land & Rs. 2/-per sq. yard for bad land This enhancement did not satisfy the appellants and hence they preferred a separate appeal in respect of each acquisition to the High Court. The High Court delivered a common judgment in both the appeals and confirmed the award of compensation made by the District Court. The appellants thereupon filed the present appeals after obtaining special leave from this Court.

2. Though several instances of sales have been relied upon by one party or the other in the appeals, it is not necessary to refer to them for the purpose of deciding what compensation should be awarded to the appellant in respect of 'he present acquisitions made under the two notifications dated 30th October, 1951 and 28th January, 1954, because we find that there were (two other acquisitions, one earlier and the other later, in respect of land comprised in the same Survey Nos. 6, 9, 10 and 11 and the awards of compensation in respect of these acquisitions have become final and they afford the clearest evidence for determining the compensation awardable to the appellants in respect of the present two acquisitions. On 18th April, 1946 a notification was issued under Section

4 for acquisition of an area of about 7 acres out of the same block of land comprising Survey Nos. 6, 9, 10 and 11 and this was followed by a notification Under Section 6 and proceedings for determination of compensation in respect of this acquisition were carried tight upto this Court and by a judgment dated 3rd May, 1968 this Court confirmed the award of compensation at the rate of Rs. 6/- per sq. yard. There was, subsequent to the present two acquisitions, another acquisition made under a notification dated 2nd April, 1956 issued Under Section 4 in respect of an area of 4 acres 3 gunthes out of the same block of land comprising Survey Nos. 6, 9, 10 and 11, The appellants claimed compensation in respect of this acquisition at the rate of Rs. 40/ per sq. yard, but the District Court on a reference made an award dated 80th September, 1969 granting compensation at the rate of Rs. 12/- per sq. yard. The State Government preferred an appeal against the a ward made by the District Court, but the appeal was dismissed and the award of the District Curt became final.

3. It will thus be seen that four different acquisition were made out of the same block of land comprising Survey Nos. 6, 9, 10 and 11 and in respect of the first acquisition undo notification dated 18th April, 19 46 the compensation was finally determined at Rs. 6/- per sq yard while in respect of the 4th acquisition made under the notification dated 2nd April, 1956 compensation was awarded at the rate of Rs. 12/ per sq. yard and this award was allowed to become final. We are concerned with the 2nd and the 3rd acquisitions which were made under the respective notifications dated 30th October, 1951 and 28th January, 1954. Both the District Court and the High Court proceeded on the-basis that the rate of compensation in respect of both these acquisitions would be the same, because there was hardly any difference in the market value of the land comprised in Survey Nos. 6, 9, 10 and 11 between 30th October, 1951 and 28th January, 1951 It was also not disputed on behalf of the State Government at least it so appears from the judgment of the High Court that the qualify of the land acquired under the notifications dated 30th October, 1951 and 28th January, 1954 was not different from that of the land acquired under the notifications dated 18th April, 1946 and 2nd April, 1956 Now, if the market value of the same quality of land in the same area was Rs. 12/-per sq. yard on 2nd April, 1956, it would be reasonable to take the market value on 30th October, 1951 and 28th January, 1954 at Rs 9/- per sq. yard, being the mean between Rs 6/ and Rs. 12/- per sq. yard. We are conscious that this process of determination of market value adopted by us may savour of conjecture or guess, but the estimation of market value in many casts must depend largely on evaluation of many imponderables and hence it must necessarily be to some extent a matter of conjecture or guess. We do not, there-fore, think that we would be unjustified in taking the market value of the land acquired under the notifications dated 30th October, 1951 and 28th January, 1954 at Rs. 9/- per sq. yard.

4. We accordingly allow the appeals and direct that compensation for the acquisition under the notifications dated 30th October, 1951 and 28th January, 1954 shall be payable to the appellants at the rate of Rs. 9/- per sq. yard. The appellant will also be entitled to solatium of 15 per cent on the enhanced compensation awarded to them as also interest at the rate of 6 per cent per annum from the date of taking possession till the date of payment. There will be no order as to costs of the present appeals.