

Special Land Acquisition Officer, ... vs K.S. Ramachandra Rao And Ors. on 26 April, 1972

Equivalent citations: AIR1972SC2224, (1973)2SCC51, AIR 1972 SUPREME COURT 2224, 1973 2 SCC 51

Author: K.S. Hegde

Bench: A.N. Grover, K.S. Hegde

JUDGMENT

K.S. Hegde, J.

1. This appeal has been brought up by Special Leave by the Special Land Acquisition Officer, S.V.H. Electric Project Shimoga District. The lands acquired under the present proceedings were originally Government lands. They had been granted to the Respondents subject to the condition that if it becomes necessary for Government to take possession of the lands for any public purpose then no compensation will be paid to them. Despite that condition the Government notified these lands for acquisition under Section 4 of the Land Acquisition Act. During the land acquisition proceedings, the Respondents claimed compensation for the lands in question. The Land Acquisition Officer valued the compensation payable to the Respondents at Rs. 19,265.37 paise but he declined to make an Award in respect of the same in view of the condition attached to the original grant. Thereafter the matter was referred to the Additional District Judge Shimoga under Section 18 of the Land Acquisition Act, at the instance of the Respondents. The learned District Judge came to the conclusion that the Respondents were entitled to get the compensation determined by the Land Acquisition Officer. Aggrieved by that decision, the Appellant went up in revision to the High Court of Mysore. The High Court of Mysore following the decision of that Court in *M.S. Seshagiri Rao v. The Special Land Acquisition and Rehabilitation Officer* (1964) 2 Mys LJ 287 dismissed the revision petition. The decision in *Seshagiri Rao's case*, (supra) has been substantially affirmed by this Court in *Special Land Acquisition and Rehabilitation Officer, Sagar v. M.S. Seshagiri Rao* : .

2. Mr. M. Veerappa, the learned Counsel for the State of Mysore, contends that the Land Acquisition Officer had not assessed the compensation payable for the rights of the Respondents in the lands acquired. According to him the Land Acquisition Officer merely estimated the value of the lands acquired. He contends that the Respondents are not entitled to the entire value of the lands acquired, but that they are entitled only to the value of their rights in those lands as held by this Court in *Seshagiri Rao's case* (1964) 2 Mys LJ 287 (supra). We have gone through the Award made by the Land Acquisition Officer. The Land Acquisition Officer appears to have valued the rights of the Respondents in the lands acquired. Whether the valuation made by him is correct or not cannot

be gone into these proceedings. The appellant is bound by the valuation made by the Land Acquisition Officer. The view taken by the Land Acquisition Officer that the Respondents are not entitled to any compensation in respect of the lands acquired cannot be sustained in view of this Court's decision in Seshagiri Rao's case (*supra*).

3. In the result this appeal fails and the same is dismissed with costs.