

Supreme Court of India

Krapa Rangiah vs Special Deputy Collector, Land ... on 5 January, 1982

Equivalent citations: AIR 1982 SC 877, 1982 (1) SCALE 548, (1982) 2 SCC 374

Bench: A.N.Sen, V Tulzapurkar

JUDGMENT

1. The only question raised in these appeals is whether the High Court was justified in reducing the rate at which compensation was granted by the City Civil Court for the lands acquired for the A.P. Housing Board for construction of houses under the Composite Housing Scheme. Two pieces of lands were acquired bearing Survey No. 114 admeasuring 4 acres 25 guntas and Survey No. 115 measuring 6 acres 21 guntas (totalling to 51366 square yards) under the Notification in question along with 15 other survey numbers. The Land Acquisition Officer granted compensation at the rate of Rs. 6/-per sq. yd. for 21385 sq. yds. comprising S. No. 114 and at the rate of Rs. 6/50 per 10 sq. yd. for 29981 sq. yds. comprising S. No. 115. The claimant got a reference made to the City Civil Court which enhanced the compensation at a uniform rate of Rs. 10 per sq. yd. The State preferred an appeal to the High Court while the claimant also preferred his appeal claiming still higher compensation over and above that was granted by the City Civil Court. The High Court dismissed the claimant's appeal but allowed the State's appeal granting compensation at Rs. 7/-per sq. yd. It is this judgment of the High Court that has been challenged by the claimant in the appeals before us.

2. Counsel for the claimant has urged that the High Court has in 15 another claim proceeding in respect of certain lands which had been acquired under the self same Notification granted compensation at the rate of Rs. 9/-per sq. yd. It has been pointed out that in Appeal No. 50 of 1970 decided subsequently in respect of lands covered by Survey Nos. 173, 101, 112 and 121-B acquired under the same Notification compensation has been awarded by the High Court at the rate of Rs. 9/-per sq. yd. and since these lands, particularly land covered by S. No. 112, are adjoining the lands in question it would be rather inequitable and discriminatory to grant lesser compensation at the rate of Rs. 7/-per sq. yd. as has been done by the High Court in the instant case. It is further pointed out that area of Survey No. 112 is also large, comparable to the area covered by the two survey Nos. in question and in view of this subsequent judgment of the High Court which has become final, there being no appeal preferred by the State to this Court, the same rate should be granted to the present claimant. We find considerable force in the contention of the claimant.

3. Counsel for the State however contended before us that the Judgment under appeal according to him is a more reasoned one than the judgment of the High Court in which compensation at the rate of Rs. 9/-per sq. yd. has been awarded and on merits the rate of Rs. 7/-per sq. yd. at which the compensation has been awarded is justified and should not be interfered with. Having gone through both the judgments we are not impressed by the argument that the judgment of the High Court in the subsequent case in which compensation at the rate of Rs. 9/- was awarded is 'not a reasoned judgment or that it is any less reasoned than the judgment under appeal. The area being comparable, the situation also being the same and all the plots having been acquired under the self-same notification for Housing Scheme it seems to us proper that the same rate of compensation should be awarded to the claimant herein as was awarded by the High Court in Appeal No. 50 of 1970. We accordingly enhance the compensation granted to the claimant by Rs. 2/-per sq. yd. with

consequential increase in solatium and interest. There will be no order as to costs.

4. The judgment disposes of both the appeals.