

Supreme Court of India

Shimla Development Authority & ... vs Smt. Santosh Sharma & Anr on 22 November, 1996

Bench: K. Ramaswamy, G.B. Pattanaik

PETITIONER:

SHIMLA DEVELOPMENT AUTHORITY & ORS,

Vs.

RESPONDENT:

SMT. SANTOSH SHARMA & ANR.

DATE OF JUDGMENT: 22/11/1996

BENCH:

K. RAMASWAMY, G.B. PATTANAIAK

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

Notice was sent to the respondents as early as on July 25, 1991 but neither the unserved notice nor the acknowledgement cards have so been far received from the respondents. So notice must be deemed to have been served on them.

Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 23.1.1986 acquiring land situated at Patti Rihana I and II and Kasumpti Junga of Tehsil & District Shimla. The Land Acquisition Officer awarded the compensation at the rate of Rs. 40,000/- per bigha, On reference, the district Judge enhanced the compensation to Rs.1,00,000/-. On appeal, the High Court after deducting 40% of the compensation awarded towards development charges, has confirmed the same in the impugned judgment. Shri H.K. Puri, learned counsel for the appellants contended that in several judgment, this Court has confirmed deduction upto 40% of the compensation towards development charges and that, therefore, the same ratio would be maintained in all the cases. In some cases this Court has pointed out that depending upon the location between 30% to 40% was proper and was approved. In this case the Division Bench has accepted thus:

"I am of the view a deduction of the 40% would be reasonable."

We are, therefore, of the view that the High Court has correctly applied the principle and we find no ground to interfere with it.

The appeal is accordingly dismissed,