

Supreme Court of India

Kingsway Model Town Co. And Ors. vs Union Of India (Uoi) And Ors. on 5 October, 1994

Equivalent citations: 1994 (4) SCALE 711 a, 1995 Supp (2) SCC 46

Bench: K Ramaswamy, N Venkatachala

ORDER

1. For rehabilitation of the migrants a Notification under Section 4(1) of the Land Acquisition Act 1894 for short 'the Act' was published in the Union Gazette on January 4, 1957 proposing to acquire an extent of 108 bighas 13 biswas of the land out of that extent of land the appellant was interested in 10 bighas. The Collector in its award dated July 21, 1958 allowed the compensation at the rate of Rs. 3.50 per square yard of the acquired land and at Rs. 4.15 to the land abutting the main road. On reference, the Civil Court in its award and decree dated 3rd October, 1961 enhanced the compensation to Rs. 5 per square yard land uniformly. On further appeal under Section 54, the High Court enhanced the market value to Rs. 9.20 per square yard by its judgment and decree dated 5th November, 1971. Thus this appeal for further enhancement at Rs. 15 per square yard.

2. The claimants sought to rely on a document post notification sale deed dated 26th April, 1958. All the Courts have not rightly relied upon the sale deed and so it serves no useful purpose. Ex.A-7 dated 29th July, 1954 on which appellant seeks to rely on unfortunately it relates to the land with building. Therefore, it cannot afford any assistance to evaluate the comparative market value of the land. He also sought to rely upon mutation proceedings on the basis of which the High Court had enhanced the market value to Rs. 9.20. The mutation proceedings are inadmissible in evidence. Having considered the judgment of the High Court we are of the considered view that the High Court has granted the compensation on the basis of the market value as on the date of the notification.

3. Therefore, we do not think that there is any justification to enhance the market value. The appellant is not entitled to the benefit of Amendment Act 1984 since the appeal itself was disposed of by the High Court on 5th November, 1971. The appeal is accordingly dismissed but without costs,

4. We do not find any ground which warrants the allowing of cross objections. All the appeals and cross objections are accordingly dismissed. No costs.