

Supreme Court of India

Addl. Special Land Acquisition ... vs Yamanappa Basalingappa Chalwadi on 22 February, 1994

Bench: K. Ramaswamy, N. Venkatachala

CASE NO. :

Appeal (civil) 3193-3215 of 1982

PETITIONER:

ADDL. SPECIAL LAND ACQUISITION OFFICER

RESPONDENT:

YAMANAPPA BASALINGAPPA CHALWADI

DATE OF JUDGMENT: 22/02/1994

BENCH:

K. RAMASWAMY & N. VENKATACHALA

JUDGMENT:

JUDGMENT 1994(2) SCR 121 The following Order of the Court was delivered These appeals by Special leave arise from the Judgment of the High Court of Karnataka dated August 10, 1981 in Misc. Appeal Nos. 1406-1428/1981. The High Court following its earlier Judgment in Special Land Acquisition Officer, Hassan v. Mallesha M.S.,(1975) 2 Mysore Law Journal p.74, applying a multiplier of 15 years for the average annual income for Rs. 720 per acre upheld the fixation of the market value at Rs.800 per acre. Thus these appeals by Special Leave. Notification under Sec.4(l) dated March 13, 1980 was published in the State Gazette on July 24, 1980 acquiring 10 acres of land for Upper Krishana Project. The District Judge found from the evidence that the lands are madikattu lands and two dry crops of groundnuts in the first season, Jowar of cotton in the second rabi season were being raised in those lands. He determined the market value of the crop at Rs.720 after deducting the expenses incurred thereof. Though it is doubtful whether two crops could be raised in dry lands, under appeal we proceed on the footing that the evidence adduced would show that in the lands under acquisition two crops were raised and that annual yield was at Rs.720 per acre. But the crucial question is what is the suitable multiplier which would be applicable to the agricultural crops. This question is squarely covered by a Judgment of this Court in Special land Acquisition Officer, Davangere v. P. Veerabharappa & Ors., [1984] 2 SCC p. 120. While disposing of batch of the appeals this Court held that ten years multiplier would be the proper method in determining the total market value by following the method of capitalisation as just and reasonable principle. We find that this principle is quite consistent with the valuation of the land allowed by multiplying the value of the annual yield, in the absence of any other acceptable evidence. Following the ratio we hold that ten years multiplier is the proper method of valuing the lands by capitalisation method. The appeals are accordingly allowed in part and the respondents are entitled to the solatium at 15% and interest @ 5% from the date of taking possession till date of deposit. The appellant is entitled to recover the balance amount from the respondents. No cost.