

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.293/2020

[@ SLP [C] NO.16675/2018]

LAKSHMY SARASWATHY

Appellant(s)

VERSUS

THE STATE OF KERALA & ANR.

Respondent(s)

O R D E R

Leave granted.

The dispute pertains to the valuation of the land acquired under Section 4(1) of the Land Acquisition Act, 1894 issued on 05.08.2004 for the public purpose of widening the highway by invocation of emergency clause. The valuation of the land in terms of the award dated 31.01.2005 resulted in the appellant preferring a reference under Section 18 of the Land Acquisition Act. The matter did not settle even at that stage and ultimately in terms of the impugned order the appellant has been denied parity with the adjacent land on account of no evidence being led about the parity of the land.

We have heard learned counsel for the parties.

The lands being adjacent is not in doubt. The appellant at the stage of determination of compensation referred to materials of some other land and thus, the evidence was led in

that manner and the award made in terms thereof. The subsequent judgment in respect of the adjacent land is what forms the basis of the claim of the appellant. We are, however, of the view that merely by reason of the land being adjacent, parity cannot be granted without determining the exact location and special benefits, if any, in respect of the two lands in question. It is conceded before us that there is no evidence led to that effect and it is in view thereof that a narrower prayer is made before us i.e. to remit the matter before the Additional Sub. Judge, Thiruvananthapuram with liberty to lead additional evidence qua what is the claimed to be the adjacent land and pointing out the similarities on the basis of which parity of compensation is claimed.

The respondent does not dispute that the lands are adjacent to each other but the contention of the learned counsel for the respondent is that there is a strip of land in front of the land of the appellant which lessens the value of the land of the appellant and also there may be difference in sizes of the lands.

Be that as it may, that is an aspect we cannot consider in the present proceedings and in the given peculiar facts of the case, we are inclined to accept the plea of the learned counsel for the appellant and remit the matter to Additional Sub. Judge, Thiruvananthapuram with liberty to the parties to lead additional evidence but confined to the aspect of parity sought vis-a-vis the adjacent land and thus for fresh adjudication.

The appeal is accordingly allowed leaving the parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI
JANUARY 14, 2020.

ITEM NO.16

COURT NO.12

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.16675/2018

(Arising out of impugned final judgment and order dated 25-09-2017 in LAA No.506/2012 passed by the High Court of Kerala at Ernakulam)

LAKSHMY SARASWATHY

Appellant(s)

VERSUS

THE STATE OF KERALA & ANR.

Respondent(s)

Date : 14-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. Gaurav Agarwal, Adv.
 Mr. Mohammed Sadique T.A., AOR
 Mrs. Anu K. Joy, Adv.
 Mr. Alim Anvar, Adv.

For Respondent(s) Mr. C. K. Sasi, AOR
 Ms. Nayantara Roy, Adv.
 Mr. Abdulla Naseeh, Adv.
 Ms. Somya Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]