

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5434 OF 2010

NAGAPPA (D) THROUGH LRS.ETC.ETC. . . . APPELLANT(S)

VS.

SPECIAL LAND ACQUISITION OFFICER,
GULBARGA & ANR. . . . RESPONDENT(S)

WITH

C.A.NOS.5438-5443, 5435-5436, 5446, 5447, 5451, 5450
OF 2010 AND C.A.No.17547/2017 @ SLP(C)NO.30269/2010
& C.A.Nos.17548-17550/2017 @ SLP(C)Nos.7457-7459/2012

O R D E R

C.A.NOS.5434, 5438-5443, 5435-5436, 5446, 5447, 5451, 5450 OF
2010 AND C.A.No.17547/2017 @ SLP(C)NO.30269/2010 :

1. Heard learned counsel for the parties.
2. Leave granted.
3. Some of the appeals, pertaining to the same acquisition, have been heard by the Single Judge and some by the Division Bench. The Division Bench, in C.A.Nos.5435-5436/2010 (Kashinath Vs. Special Land Acquisition Officer, M&MIP, Gulbarga, Karnataka & Anr. Etc.), has awarded compensation @Rs.1,29,240/- (Rupees One Lakh Twenty Nine Thousand Two Hundred Forty only) per acre.

..2/-

4. In our opinion, the compensation that has been granted in the case of Kashinath (supra), is appropriate. It is based on the capitalization of the yield method for 10 years. However, since some other matters have been decided by the Single Judge and different compensation has been worked out, i.e., from Rs.40,000/- to Rs.60,000/-, in our opinion, the compensation should be as was granted in the case of Kashinath (supra), because in all the cases more or less the land pertains to the the same acquisition and the State has not preferred any appeal as against the amount awarded by the High Court in the case of Kashinath. Consequently, we are inclined to enhance the compensation to the same, as had been awarded in the case of Kashinath (supra), along with statutory benefits. No case for further enhancement in the case of Kashinath is made out. The difference between the compensation that has been paid and the one enhanced on the basis of Kashinath's case be worked out and paid within four months from today.

5. The appeals as well as pending applications, if any, are accordingly disposed of.

C.A.Nos.17548-17550/2017 @ SLP(C)Nos.7457-7459/2012 :

1. Leave granted. Though the Notification is dated 04.03.2004, in these cases also little more compensation is to be worked out as has been ordered today in the case of Nagappa (Dead) Through LR's. Etc. Etc. Vs. Special Land Acquisition Officer,

..3/-

.3.

Gulbarga & Anr. However, such compensation is being determined on annual yield method, some compensation is to be worked out due to increase in value of usufruct.

2. Since there was rise in the prices of usufruct, it would be appropriate to grant the compensation Rs.1,40,000/- (Rupees One Lakhs Forty Thousand only) per acre.

3. The appeal and pending applications, if any, are disposed of in the above terms.

.....J.
[ARUN MISHRA]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
26th October, 2017.

ITEM NO.1

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).5434/2010

NAGAPPA (D) THR. LRS. ETC. ETC.

Appellant(s)

VERSUS

SPL.L.A.O., GULBARGA & ANR.

Respondent(s)

WITH

C.A. Nos.5438-5443/2010 (IV-A)

C.A. Nos.5435-5436/2010 (IV-A)

C.A. No.5446/2010 (IV-A)

C.A. No.5447/2010 (IV-A)

C.A. No.5451/2010 (IV-A)

C.A. No.5450/2010 (IV-A)

SLP(C) No.30269/2010 (IV-A)

SLP(C) Nos.7457-7459/2012 (IV-A)

Date : 26-10-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Ms. Prem Lata, Adv.
For (Mrs.) Vipin Gupta, AOR

For Respondent(s) Mr. V.N. Raghupathy, AOR
Mr. Parikshit P. Angadi, Adv.

Ms. Anitha Shenoy, AOR

Mr. Joseph Aristotle S., Adv.
Ms. Priya Aristotle, Adv.
Mr. Ashish Yadav, Adv.

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

C.A.NOS.5434, 5438-5443, 5435-5436, 5446, 5447, 5451, 5450
OF 2010 AND C.A.No.17547/2017 @ SLP(C)NO.30269/2010 :

Leave granted.

The appeals are disposed of in terms of the signed
order.

..2/-

.2.

C.A.Nos.17548-17550/2017 @ SLP(C)Nos.7457-7459/2012 :

Leave granted. The appeals are disposed of in terms of the signed order.

(Sarita Purohit)
Court master

(Tapan Kumar Chakraborty)
Branch Officer

(Signed order is placed on the file)