

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8492-8493 OF 2019
[ARISING OUT OF SLP(C) NO.26620-26621/2019
(@ DIARY NO.18568/2018)]

PRAKASH & ORS.

APPELLANT(S)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

The limited challenge in these appeals is to 53% deduction ordered towards development charges in a reference under section 18(1) of the Land Acquisition Act, upheld by the High Court with regard to the lands acquired. There is no grievance with regard to the compensation as enhanced by the High Court.

Learned counsel for the appellants makes a short submission that deduction on account of development charges was not justified as the acquired lands were to be used as backwaters of the Almatti reservoir for storage of water. There is no question of the lands being developed or used in any manner as it would all go under water.

Learned counsel for the appellants also relies upon on an earlier order of the High Court with regard to the same acquisition where development charges were not

permitted to be deducted keeping in mind the nature of user of the lands which would stand submerged.

We have heard learned counsel appearing for the respondent.

In the facts and circumstances of the case considering the nature of usage of the land which is rendered useless for any purpose for all times to come as it would stand submerged by the backwaters of the reservoir, we hold that 53% deduction charges levied is not justified and is set aside.

Accordingly, the appeals are allowed to the aforesaid extent.

.....J
[NAVIN SINHA]

.....J
[KRISHNA MURARI]

NEW DELHI;
NOVEMBER 08, 2019.

ITEM NO.51

COURT NO.15

SECTION IV-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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).18568/2018

(Arising out of impugned final judgment and order dated 13-07-2017 in RP No. 100029/2016 and order dated 24-11-2014 in MFA No. 20249/2010 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

PRAKASH & ORS.

Petitioner(s)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER

Respondent(s)

(With IA No.79964/2018-CONDONATION OF DELAY IN FILING SLPs)

Date : 08-11-2019 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. D.L. Chidananda, Adv.
Mr. Ashwin Kumar D.S., Adv.
Ms. Surbhi Mehta, AOR

For Respondent(s) Mr. Shubhranshu Padhi, Adv.
Mr. Rakshit Jain, Adv.
Mr. Ashish Yadav, Adv.
Mr. Joseph Aristotle S., AOR

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

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)