

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).18902-18903 OF 2017
(Arising out of SLP(C) Nos. 27519-27520 of 2015)

P.P. JOY

Appellant(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

WITH

CIVIL APPEAL No(s).18904 OF 2017
(Arising out of SLP(C) Nos. 31418 of 2015)

CIVIL APPEAL No(s). 18909 OF 2017
(Arising out of SLP(C) Nos. 33129 of 2015)

CIVIL APPEAL No(s).18910-18911 OF 2017
(Arising out of SLP(C) Nos. 32803-32804 of 2015)

CIVIL APPEAL No(s). 18905-18906 OF 2017
(Arising out of SLP(C) Nos. 32328-32329 of 2015)

CIVIL APPEAL No(s). 18907 OF 2017
(Arising out of SLP(C) Nos. 32390 of 2015)

CIVIL APPEAL No(s). 18912-18913 OF 2017
(Arising out of SLP(C) Nos. 32810-32811 of 2015)

CIVIL APPEAL No(s). 18914 OF 2017
(Arising out of SLP(C) Nos. 34114 of 2015)

CIVIL APPEAL No(s). 18908 OF 2017
(Arising out of SLP(C) Nos. 32813 of 2015)

CIVIL APPEAL No(s). 18915 OF 2017
(Arising out of SLP(C) Nos. 34405 of 2015)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The only question agitated is about the adequacy of the compensation awarded by the High Court. The land was acquired by issuance of the Notification issued under Section 4 of the Land Acquisition Act, 1894 on 14.11.2006. The Land acquisition officer awarded compensation at the rate of Rs.1,00,076/- per Are. Whereas the Reference court awarded Rs.3,71,800/- per Are. The High Court awarded compensation at the rate of 2,65,000/- per Are. The High Court has given severance charges of 50% except in the case where it was confined to Rs.25,000/- per Are. The only question agitated in the Appeals is that the High Court has made the deduction of 60% amount.

In our opinion, 60% deduction was excessive deduction. 50% deduction ought to have been made. Cost of land vide Exhibit A-1 dated 23.3.2004 was Rs.5,20,000/- per Are; 50% of that amount would come to 2,60,000/- per Are and the appreciation at the rate of 15% per annum was given in the instant case, we give it for two years on flat basis, the amount would come to Rs.3,38,000/- per Are that we award, alongwith other statutory benefits.

Only the aforesaid modification is made in the impugned order passed by the High Court and the severance charges remains static as determined by the High Court not to be given on compensation enhanced by us as severance awarded by the High Court on overall amount determined by it does not call for further enhancement.

The appeals are allowed to the aforesaid extent.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

NOVEMBER 15, 2017

ITEM NO.1

COURT NO.10

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 SPetition(s) for Special Leave to Appeal (C) No(s).
27519-27520/2015(Arising out of impugned final judgment and order dated 04-03-2015
in LAAP No. 101/2012 01-04-2015 in CO No. 54/2012 01-04-2015 in LAA
No. 101/2012 04-03-2015 in CO No. 54/2012 04-03-2015 in LAA No.
101/2012 passed by the High Court Of Kerala At Ernakulam)

P.P. JOY

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

WITH

SLP(C) No. 31418/2015 (XI -A)
SLP(C) No. 33129/2015 (XI -A)
SLP(C) No. 32803-32804/2015 (XI -A)
SLP(C) No. 32328-32329/2015 (XI -A)
SLP(C) No. 32390/2015 (XI -A)
SLP(C) No. 32810-32811/2015 (XI -A)
SLP(C) No. 34114/2015 (XI -A)
SLP(C) No. 32813/2015 (XI -A)
SLP(C) No. 34405/2015 (XI -A)

Date : 15-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For the parties:

Mr. Raghavendra S. Srivatsa, Adv.
Mr. Venkita Subramoniam T.r, AOR
Mr. Rahat B., Adv.

Mr. C. K. Sasi, AOR

Ms. Vibha Dutta Mukhija, Sr. Adv.
Mr. Sachin Sharma, Adv.
Mr. Bharat Singh, Adv.
Mr. Santosh Kumar, Adv.
Mr. Raj Bahadur, Adv.
Mr. Mukesh Kumar Maroria, AOR

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

Leave granted.

The appeals are allowed to the extent indicated in the
signed order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)