

ITEM NO.49

COURT NO.4

SECTION IX

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(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 23413/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 06/07/2015
IN FA NO. 5241/2008 PASSED BY THE HIGH COURT OF GUJARAT AT
AHMEDABAD)

GODAVARIBEN KARSHANBHAI PATEL AND ORS.

PETITIONER(S)

VERSUS

GROUP GENERAL MANAGER AND ANR.
(WITH INTERIM RELIEF AND OFFICE REPORT)

RESPONDENT(S)

Date : 24/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. S.B. Upadhyay, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Ms. A. Upadhyay, Adv.
Mr. Nishant Kr., Adv.
Ms. Sharmila Upadhyay, Adv.

For Respondent(s)

Mr. Sunil Kumar Jain, Adv.
Mr. Pawanshree Agrawal, Adv.
Mr. Akarsh Garg, 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.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) 5541 OF 2017
[Arising out of Special Leave Petition
(Civil) No.23413/2016]

GODAVARIBEN KARSHANBHAI PATEL
AND ORS. . . . APPELLANT(S)

VERSUS

GROUP GENERAL MANAGER
AND ANR. . . . RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. Having considered the matter we are of the view that in the facts of the present case the High Court was not justified in refusing the benefit of cumulative increase to the appellant landowners.

4. The learned Reference Court while awarding compensation to the appellants relied on the notification of 1984 (i.e. dated 23rd September, 1984) in respect of the same village wherein the landowners were granted compensation at the rate of Rs.30/- per square meter and the same rate (i.e. Rs.30/- per square meter) has been taken as the base for awarding compensation to the appellants by granting the benefit of increase of price rise at the rate of 10% per year on cumulative basis. The compensation awarded by the learned Reference Court i.e. Rs.124/- per square meter has been worked out on the aforesaid basis.

5. We do not find any error in the above exercise by the learned Reference Court. Interference of the High Court,

therefore, was not justified. We, accordingly, interfere with the order of the High Court and set aside the same including the directions for refund of the alleged excess amount by the appellants - landowners and restore the compensation awarded by the learned Reference Court.

6. Consequently and in the light of the above, the appeal is allowed.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
APRIL 24, 2017