

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 2452 OF 2018  
(Arising out of SLP(C) No. 3536/2018)

A.E. MOHAMMED

Appellant(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

CIVIL APPEAL No(s). 2454 OF 2018  
(Arising out of SLP(C) No.3870 OF 2018)

CIVIL APPEAL No(s). 2453 OF 2018  
(Arising out of SLP(C) No. 3731 OF 2018)

CIVIL APPEAL No(s). 2455 OF 2018  
(Arising out of SLP(C) No. 5786 OF 2018)  
D.NO 1285/2018

CIVIL APPEAL No(s).2456 OF 2018  
(Arising out of SLP(C) No. 5787 OF 2018)  
D.NO 1559/2018

CIVIL APPEAL No(s). 2457 OF 2018  
(Arising out of SLP(C) No. 5788 OF 2018)  
D.NO 1590/2018

CIVIL APPEAL No(s). 2458 OF 2018  
(Arising out of SLP(C) No. 5789 OF 2018)  
D.NO 3068/2018

CIVIL APPEAL No(s). 2459 OF 2018  
(Arising out of SLP(C) No. 5790 OF 2018)  
D.NO 3166/2018

CIVIL APPEAL No(s). 2460 OF 2018  
(Arising out of SLP(C) No. 5791 OF 2018)  
D.NO 3272/2018

CIVIL APPEAL No(s). 2461 OF 2018  
(Arising out of SLP(C) No. 5793 OF 2018)  
D.NO.4488/2018

CIVIL APPEAL No(s). 2462 OF 2018  
(Arising out of SLP(C) No. 5795 OF 2018)  
D.NO 4497/2018

CIVIL APPEAL No(s). 2463 OF 2018  
(Arising out of SLP(C) No. 5796 OF 2018)  
D.NO 4500/2018

CIVIL APPEAL No(s).2464 OF 2018  
(Arising out of SLP(C) No. 5797 OF 2018)  
D.NO 4505/2018

CIVIL APPEAL No(s). 2465 OF 2018  
(Arising out of SLP(C) No. 5798 OF 2018)  
D.NO 4515/2018

CIVIL APPEAL No(s). 2466 OF 2018  
(Arising out of SLP(C) No. 5799 OF 2018)  
D.NO 4519/2018

CIVIL APPEAL No(s).2467 OF 2018  
(Arising out of SLP(C) No. 5800 OF 2018)  
D.NO 4535/2018

O R D E R

Heard learned senior counsel for the parties.

Delay condoned.

Leave granted.

The only question agitated is about the compensation to be awarded in the instant cases. Notification under Section 4 of the Land Acquisition

Act, 1894 was issued on 29.04.2009 and 01.11.2009. The Land Acquisition Collector granted compensation at the rate of Rs.20,000/- per cent . The Reference Court granted the compensation abutting Highway at the rate of Rs.5,68,000/- per Are and for remaining area at the rate of Rs.4,17,000/- per Are. The High Court has reduced it to Rs.1,69,200/- per Are for the land abutting Highway and for remaining land at the rate of Rs.1,12,745/- per Are.

It was urged on behalf of the learned counsel for the land owners that the High Court has erred in ignoring the sale transactions A1 and A2. The valuation worked out by the reference court was appropriate. Thus reduction in the compensation ordered by the High Court deserves to be set aside.

On the other land learned senior counsel appearing for the respondent urged that the approach of the High Court is appropriate; the valuation of undisputed sale deed executed before two years' had been taken into consideration and 15% escalation per year has been granted till the date of notification issued under Section 4 of the Act. Thus no case for interference is made out on the basis of Sale deeds

A1 and A2. After field survey had been made, Sale deeds A1 and A2 were executed they evince inter se the transaction between the two incumbents whose land had been acquired, thus it would not be safe to act upon them as held by the High Court.

Considering the fact and circumstances of the instant case as sale deeds A1 and A2 were executed one year before the issuance of notification under Section 4 of the Act, we cannot doubt the bonafide nature of the transaction under Sale deeds A1 and A2. However, at the same time to arrive at proper valuation, the deduction is required to be made for smallness of the area, which was transacted under the aforesaid sale deeds, as well as for the purpose of development. Considering the aforesaid, in our opinion, it would be appropriate in facts and time gap, after making the deductions for land abutting Highway, the compensation is enhanced to 3,00,000/- per Are; with respect to the remaining area, we deem it appropriate, after making deductions to enhance it to 2,00,000/- per Are along with statutory

benefits.

Accordingly the appeals are allowed. The impugned order passed by the High Court as well as by the reference court are accordingly modified.

.....J.  
(ARUN MISHRA)

.....J.  
(AMITAVA ROY)

NEW DELHI;  
FEBRUARY 19, 2018

ITEM NO.53

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**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 3536/2018

(Arising out of impugned final judgment and order dated 28-09-2017 in LAA No. 803/2012 passed by the High Court of Kerala At Ernakulam)

A.E. MOHAMMED

Petitioner(s)

VERSUS

THE STATE OF KERALA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

Diary No(s). 4488/2018 (XI -A)

Diary No(s). 4500/2018 (XI -A)

Diary No(s). 4519/2018 (XI -A)

SLP(C) No. 3731/2018 (XI -A)

Diary No(s). 1285/2018 (XI -A)

(FOR CONDONATION OF DELAY IN FILING ON IA 18614/2018

SLP(C) No. 3870/2018 (XI -A)

Diary No(s). 1590/2018 (XI -A)

Diary No(s). 1559/2018 (XI -A)

Diary No(s). 3166/2018 (XI -A)

Diary No(s). 4535/2018 (XI -A)

Diary No(s). 3068/2018 (XI -A)

Diary No(s). 3272/2018 (XI -A)

Diary No(s). 4497/2018 (XI -A)

Diary No(s). 4515/2018 (XI -A)

Diary No(s). 4505/2018 (XI -A)

Date : 19-02-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s)

Mr. S. N. Bhat, AOR

Mr. Priyank Jain, Adv.

Mr. Basant R., Sr. Adv.  
Ms. Liz Mathew, Adv.  
Mr. Badusha S., Adv.

Mr. Raghenth Basant, Adv.  
Mr. Mithun Varghese, Adv.

Mr. Thomas P. Joseph, Sr. Adv.  
Mr. Tom Joseph, Adv.  
Mr. Kumar Gaurav, Adv.  
Mr. B.N. Dubey, Adv.  
Ms. Swarupama Chaturvedi, AOR

For Respondent(s) Mr. V. Giri, Sr. Adv.  
State of Kerala Mr. Nishe Rajen Shonker, Adv.  
Mr. Anu K. Joy, Adv.

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 application, if any, also stand disposed of.

(NEELAM GULATI)  
COURT MASTER (SH)

(SIGNED ORDER IS PLACED ON THE FILE)

(JAGDISH CHANDER)  
BRANCH OFFICER