

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 (Civil) No(s).26548-26549/2010

(From the judgment and order dated 24.8.2006 and 1.6.2007 in MFA No.5385 of 2006 and I.A.No.3 of 2006 in M.F.A.No.5385 of 2006 of The HIGH COURT OF KARNATAKA AT BANGALORE)

DEFENCE ESTATE OFFICER

Petitioner(s)

VERSUS

MURARI SAIRU NAIK(D) TR.LRS.

Respondent(s)

(With office report)

(For final disposal)

WITH

SLP(C) NO. 14305-14306 of 2007

(With appln.(s) for substitution and c/delay in filing substitution appln. and with prayer for interim relief and office report)

(For final disposal)

SLP(C) NO. 478-479 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 1756 of 2008

(For final disposal)

SLP(C) NO. 2810-2817 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2818 of 2008

(With appln.(s) for permission to file addl.documents and dismissal of SLP and office report)

(For final disposal)

SLP(C) NO. 2820 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2821-2823 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2824 of 2008

(For final disposal)

SLP(C) NO. 2825 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2827 of 2008

(For final disposal)

SLP(C) NO. 2828 of 2008

(With office report)(For final disposal)

SLP(C) NO. 2829 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2830 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2831 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2832 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2833 of 2008

(With office report)

(For final disposal)

SLP(C) NO. 2834-2836 of 2008

(With office report)
(For final disposal)
SLP(C) NO. 2838-2846 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 2837 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 2850 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 2847 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 2849 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 11082-11087 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 13878-13879 of 2008 [SLP(C)No.13878-13881/2008]
(With office report)
(For final disposal)
SLP(C)No.13877/2008 [SLP(C)No.13875-13877/2008]
(With office report)
(For final disposal)
SLP(C) NO. 11394-11395 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 11091 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 11092-11099 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)

SLP(C)No.21689-21691/2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 1358 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 1359 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 3857-3864 of 2009
(With appln.(s) for c/delay in filing SLP and substitution of L.Rs of the
deceased respondent and c/delay in filing substitution appln. and office
report)
(For final disposal)
SLP(C) NO. 18435 of 2009
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 29474 of 2009
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and
office report)
(For final disposal)
SLP(C) NO. 6923 of 2010
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and
office report)
(For final disposal)
SLP(C) NO. 16419-16429 of 2008
(With appln.(s) for modification of Court's order and office report)
(For final disposal)
SLP(C) NO. 6519 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 6524-6529 of 2008
(With office report)

(For final disposal)
SLP(C) NO. 6532 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 6534 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 11060-11065 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 11066 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 11067 of 2008
(With office report) (For final disposal)
SLP(C) NO. 11068-11073 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 11075-11076 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 23428-23434 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 31676-31683 of 2008
(With prayer for interim relief and office report)
(For final disposal)
SLP(C) NO. 4082 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4084 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4085 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4086 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4088 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4089 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 4090 of 2008
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and office report)
(For final disposal)
SLP(C) NO. 4093 of 2008
(With office report)
(For final disposal)
SLP(C) NO. 4094-4095 of 2008
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and office report)
(For final disposal)
SLP(C) NO. 4096-4100 of 2008
(With appln.(s) for c/delay in filing SLP and substitution and c/delay in filing substitution appln.and office report)
(For final disposal)
SLP(C) NO. 4102-4103 of 2008
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and office report)
(For final disposal)
SLP(C) NO. 4104-4108 of 2008
(With appln.(s) for c/delay in filing SLP and office report)
(For final disposal)
SLP(C) NO. 18294-18295 of 2007
(With appln.(s) for c/delay in filing SLP and permission to file additional

documents and office report)(For final disposal)
Civil Appeal NO. 330 of 2009
Civil Appeal NO. 331 of 2009
S.L.P.(C)...CC NO. 10484-10486 of 2012
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and office report)
S.L.P.(C)...CC NO. 11629-11634 of 2012
With I.A.Nos.1-6 (C/delay in filing SLP and office report)

Date: 13/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.R.P.Bhatt, Sr.Adv.
Ms.Rekha Pandey, Adv.
Ms.Kiran Bhardwaj, Adv.
Ms.Gunwant Dara, Adv.
Ms.Vimla Sinha, Adv.
Mr.Madhusudan Babu, Adv.
Mr.R.Pandey, Adv.

For Respondent(s) Mr.Vivek Tankha, Sr.Adv.
Mr.Santosh Paul, Adv.
Mr.Arvind Gupta, Adv.
Ms.Arti Singh, Adv.
Ms.M.Bagati, Adv.
Mr.D.M.Naik, Adv.
Mr.Ankolekar Gurudatta, Adv.

Mr.Dhruv Mehta, Sr.Adv.
Mr.Pallav Shishodia, Sr.Adv.
Mr.Devadatt Kamat, Adv.
Mr.Rajesh Inamdar, Adv.
Ms.Shreya Bhandari, Adv.

Mr. V.N. Raghupathy, Adv.

Mr.Naik H.K., Adv.
Mr.A.Guneshwar Sharma, Adv.
Ms.Aarti Shakalya, Adv.

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

I.A.Nos.5-6 of 2012 in SLP(C) Nos.26548-26549 of 2010 for extension of time for service of notice upon the unserved respondents are dismissed.

I.A.Nos.7-8 of 2012 in SLP(C) Nos.26548-26549 of 2010 filed by the petitioner for substituted service of notice upon the respondents.

Heard learned counsel for the applicant and carefully perused the averments contained in the applications as also the affidavit filed in support thereof.

In our considered view, the prayer made in the applications for grant of leave to the petitioner to effect substituted service of the notice cannot be accepted because the averments contained in the applications do not satisfy the requirement of Order V Rule 20. As a matter of fact, the contents of the applications and the affidavit of the concerned officer show that the prayer for substituted service has been made in a most casual manner.

The applications are accordingly dismissed.

Perused office report dated 12.09.2012.

Since the notice has not been served in SLP(C) Nos.4083, 4087, 4091, 4101, 6518, 6520, 6521, 13875-76 and 13880-81 of 2008 despite peremptory order passed by the Court on 26.4.2012, those special leave petitions stand automatically dismissed.

The applications filed for bringing on record the legal representatives of the deceased respondents-landowners are allowed in terms of the prayer made and the delay in filing the same is condoned.

These petitions are directed against the judgments of the Division Benches of the Karnataka High Court whereby the appeals filed by the petitioner and the Special Land Acquisition Officer, Sea Bird Project, Naval Base, Karwar (for short, 'the SLAO') against the awards of Additional Civil Judge (Senior Division), Karwar (hereinafter referred to as, 'the Reference Court') were dismissed.

The petitioners have filed applications for condonation of delay of different periods ranging from 40 days to 837 days. We have perused the averments contained in the applications for condonation of delay and are satisfied that the explanation given by the petitioners for condonation of more than 200 days delay is not satisfactory and there is no valid ground or justification for exercise of power by this Court under Section 5 of the Limitation Act.

Notwithstanding the above conclusion, we have considered it proper to examine on merits the petitioners' challenge to the impugned judgments.

In furtherance of the sanction accorded by the Government of India for Project Sea Bird, the Government of Karnataka acquired different parcels of land situated in 13 villages of District Karwar under the Land Acquisition Act, 1894 (for short, 'the Act'). The particulars of the acquired land are given below:

Sl. No.	Name of the Village	Area of Land Acquired
1	Binga	71-37-11
2	Arga	368-38-11
3	Todur	4-13-00
4	Chendiya	215-03-7
5	Kodar	428-24-02
6	Amadalli	484-31-15
7	Harwada	4-28-00
8	Hattikeri	98-26-12
9	N.K.Bail	310-24-6
10	Berade	74-07-00
11	Belekeri	8-7-00
12	Bhavikeri	284-16-12
13	Algeri	64-08-08
		2418-27-4

After finalization of the acquisition proceedings, the SLAO passed awards fixing different market value for different types of land, the details of which are as under:

TYPE OF LAND	AMOUNT (PER GUNTA)	AMOUNT (PER ACRE)
Wet Single crop	Rs.235.50/- to Rs.410/-	Rs.9,420/- to Rs.16,400/-
Wet Double Crop	Rs.636.25 to Rs.2,214/-	Rs.25,450/- to Rs.88,560/-
Garden/Dry Land	Rs. 155/- to Rs.2,000/-	Rs.6,200/- to Rs.80,000/-
Non-Agricultural	Rs.508/- to Rs.3,600/-	Rs.20,320/- to Rs.1,44,000/-

The landowners did not feel satisfied and filed applications under Section 18 of the Act. Thereupon, the Collector made references to the Court. In their claim petitions, the landowners pleaded that the SLAO had arbitrarily fixed market value of the acquired land ignoring the developments which had taken place in the area. They claimed that price of the land had considerably increased due to projects like KHEP-Kadra Dam and Nuclear Power Project at Kaiga. The SLAO filed objections, which were adopted by the petitioner. The SLAO pleaded that market value had been determined keeping in view various sale instances and valuation of the trees by the Forest and Horticulture Departments.

On the pleadings of the parties the Reference Court framed the following issues:

- "1. Whether the claimant has proved that the market value offered by Respondent No.1 in his award passed U/s.11 of the Act is inadequate?
2. If so, what was the market value of the acquired land as on the date of the publication of the notification U/s 4(1) of the Act?
3. What order and award?"

In support of their claim, the landowners examined two witnesses and produced large number of documents which were marked as Exhibits P-1 to P-52. The SLAO, who passed the award, was examined as RW-1. He produced 24 documents marked as Exhibits R-1 to R-24.

The Reference Court analysed the evidence produced by the parties, referred to different methods of valuation of land, the comparable sale instances, the judgments of this Court and fixed market value of the acquired land at Rs.11,500/- per gunta (Rs.4,60,000/- per acre). The Reference Court separately awarded compensation for the trees standing on the acquired land. The relevant portions of the judgment of the Reference Court in LAC No.137/1991 and connected matters are extracted below:

"Under this point, I have to determine the market/value of the acquired lands existed on the date of publication of the notification U/Sec.4(1) of the Act. The claimants have examined as P.W.1 in their respective cases and got marked their reference applications at Ex. p.1 in all cases. The evidence of P.W.1 in all the cases in one and the recording to the evidence of the petitioners their lands are situated at Arga village and they have been acquired by respondent No.1 for the benefit of respondent No.2. All the lands of the petitioners along with other survey numbers were acquired under common Sec.4(1) notification dated 26.10.1986 and award No.LAQ-SR-2/87-88 dt. 27/4/88 by the SLAO-I for Sea Bird Project i.e. Naval Base at Karwar. As the petitioners did not accept the by the respondent No.1, they filed an application U/Section.18 of the Land Acquisition Act. As stated above, the several other survey numbers were also acquired along with lands of the petitioners, the persons interested in respect of those survey number, too have filed the applications which have been referred to this Court. One of the reference petitions No. at LAC 11/93 has been disposed of by this Court by its Judgment dt.31/3/05. This case was disposed of on the basis of another Land Acquisition Act case No. 59/91 against which appeal was filed before the High Court of Karnataka at MFA No.1075/2000 filed by the petitioner and MFA 1917/2000 filed by SLAO which were also disposed of by dismissing the MFA filed by the State and allowing MFA 1075/2000 further enhancing the market value to Rs.12,000/- per gunta. The judicial notice is taken in respect of the judgment passed by our Hon'ble High Court of Karnataka in

MFA 1075/2003 and MFA 1917/2003. A copy of the said judgment was produced in LAC 11/93 on the file of this Court. It appears that by over sight the petitioners have stated in the evidence that appeals were filed by the petitioners as well as SLAO at MFA No. 1075/2000 and 1917/2000 respectively instead of MFA 1075/2003 and 1917/2003. In the said Judgment the Hon'ble High Court has dismissed the MFA filed by the State and allowed the MFA 3075/2003 filed by the petitioner enhancing the market value to Rs.12,000/- per gunta. The involved under the said judgment are situated at Binag-village which were also acquired for the same purpose for which the lands in the present case were acquired.

It is further stated by the petitioners in their evidence as P.W.I that against the judgment passed in the said MFA 1075/2003 and 1917/2003 respondent No.1 had filed SLO 23379/04 before the Hon'ble Supreme Court and the same has been dismissed on 7.3.05. Therefore the cases has attained finality.

It is also stated that their lands, and the lands of the petitioner in LAC 11/93 are identical lands having similar advantages in all respects. There is absolutely no difference between their lands and that of the lands of the petitioners in LAC 11/93. It is further stated that their land and the lands of the petitioner in LAC 11/93 are of the same village and they are contiguously situated adjacent to each other. They are identical as to the topography nature of land largeness, frontage, soil content, weather, rainfall, humidity etc. They are abutting N.H.17 distance from Sea Beach, distance from Karwar Port, distance from City Municipal Limits etc. are all same. It is further stated that they have similar advantages like potentiality for using them for non-agricultural user to develop them as Beach Resorts, Star Hotels, Tourists Centres, Industrial/Commercial purposes. The land of the petitioner has also been put to non-agricultural use by the beneficiary Sea Bird.

Similarly the yield market price etc., pertaining to various horticultural trees is also similar and identical in all respects. Under these circumstances their lands would have fetched the same market value as that of lands of petitioners in LAC 11/93. The Judgment and award passed in LAC 11/93 applied to their case also mutanis-mutandis. It is also stated that their lands and the lands of the petitioners in LAC 11/93 are acquired under the very same notification U/Sec.4(1), same award, same purpose and for same beneficiary. The SLAO himself has treated all the lands similar. In the cross-examination of P.W.1 in all the cases nothing has been elicited to disbelieve the evidence of the petitioners. More over the respondents in all the cases have not lead any oral or documentary evidence. But the petitioners have produced the Xerox copy of the deposition of R.W.1 adduced in LAC 11/93. But after taking into consideration of the evidence of R.W.1 adduced in the said LAC the then court has determined the market value of the Arga lands at Rs.11,500/- per gunta. The judicial notice is taken to the Judgment passed in LAC 11/93 in which the then court has determined to the market value of the lands involved in that case at Rs.11,500/- per gunta. The said Judgment further discloses that the lands involved under the said judgment and. the lands involved in the present petition are situated at Arga village and they have been acquired for the same purpose under the same notification and for the same beneficiary. Besides on the basis of the said Judgment already this Court also has fixed the market value of the acquired lands of Arga village in LAC 12/93 at Rs.11,500/-, per gunta. The respondents have not produced any materials to show that the Judgment and award passed in LAC 11/93 has not reached its finality. On the other hand it is not disputed that the Judgment passed in MFA 1075/2003 has reached its finality.

The learned counsel for the claimants also relied upon the following decisions.

1) ILR 2002 KAR 4956 in which it is held as under:-

"that the judgment of the Court awarding compensation for similar land can be relied upon for determining the market value of the land In question."

2) ILR 2003 Kar.4350 (4352) wherein it is held as under :-

The reference Court was perfectly justified in taking into consideration the judgment and award in LAC 357/93 as at Ex.P.18 in respect of lands situated at little distance from the plots sold at Ex.P.19 to 21."

3) ILR 2004 KAR.2371 wherein it is held as under:-

" Previous awards in respect of similar lands how far relevant and required for Malaprabha Project-Held-in matters relating to land acquisition the judgment of a court in regard to similar lands of properties would be a relevant piece of evidence. It is to be noted that an element of guesswork is inherent in most of the cases involving determination of the market value of the acquired land. The previous awards in respect of similarly situated lands is a safeguard for determination of compensation."

4) 2004, ATR SWO 43555 in which the Hon'ble Supreme Court has observed that same compensation for all lands if they are acquired for same purposes and same beneficiary under same Notification though of different villages."

The principles laid down in the above said decisions are only applicable to the case on hand. In the instant cases also the lands in question and the lands involved in LAC 11/93 were situated in the same village and acquired for the same purposes and for same beneficiary under the same notification.

5) Hence in the light of the principles laid down in the decisions cited supra, I am of the opinion that the judgments and award passed in LAC 11/93 and 12/93 on the file of this court are relevant pieces of evidence to fix the market value of the land in question.

Accordingly, I fix the market value of the acquired land in the case at Rs.11,500/- per gunta."

The appeals filed by the petitioner and the SLAO were dismissed by the Division Benches of the High Court.

Shri R.P. Bhatt, learned senior counsel appearing for the

petitioner argued that the judgment of the High Court in MFA No.2582/2001 whereby market value of 2 acres land acquired for All India Radio was fixed at Rs.12,000/- per gunta had no bearing on the acquisition of land for Project Sea Bird and the Reference Court and the High Court committed serious error by relying upon the same for the purpose of fixing unusually high market value of the land which is situated 7 to 8 kilometers away from the land acquired for All India Radio. Learned senior counsel submitted that in respect of the land acquired for Nuclear Power Corporation at Kaiga, the Reference Court had awarded compensation of Rs.20,000/- per acre and the same was upheld by the High Court in MFA Nos.3584 and 3585 of 2000 but, in the present case, compensation at the rate of Rs.11,500/- per gunta has been awarded. He also referred to the awards passed in lieu of the acquisition of land at Village Ghadsai for Kali Project, the land acquired at Chittakula for Project Sea Bird and argued that there is no legal basis for awarding higher compensation to the respondents-landowners. Learned senior counsel also pointed out that most of the villages uprooted by the acquisition have been rehabilitated by providing house sites, rehabilitation grant, training at ITI, etc.

Learned counsel for the respondents relied upon the averments contained in IA No. 3 of 2012 in SLP (C) No.2818/2008 and argued that the special leave petitions are liable to be dismissed because as many as 39 special leave petitions filed against the enhancement of compensation in relation to the same acquisition were dismissed by this Court on 19.9.2008, 9.2.2009 and 20.1.2012 on the ground of delay. Learned counsel pointed out that in 10 matters the special leave petitions filed by the SLAO against the judgment of the High Court were dismissed on the ground of delay but special leave petitions filed by the petitioner against those very judgments are pending. Learned counsel further pointed out that in some of the matters the petitioner has filed the special leave petitions despite the fact that it had not filed appeal under Section 54 of the Act. Learned counsel invited the Court's attention to order dated 3.6.2010 passed by the Division Bench of the High Court in MFA No.23959/2009 to show that the appeal was dismissed because the counsel appearing on behalf of the SLAO candidly stated that the issue raised in the appeal is covered by the order passed by this Court in Civil Appeal No. 17196 of 2008. They also invited the Court's attention to the observations made by the High Court in order dated 6.4.2010 passed in MFA No.20345 of 2010 (LAC) to show that the SLAO has adopted the policy of pick and choose in challenging the judgments of the Reference Court and submitted that even after award of cost of Rs.50,000/-, the petitioner filed SLP...(CC)No.716/2012 with an unexplained delay of 531 days and that SLP was dismissed on 20.1.2012 on the ground of delay. Another point raised by the learned counsel for the respondents is that the petitioner has filed only 248 SLPs and has refrained from challenging the judgments in 222 cases and 20 of the special leave petitions were dismissed by this Court between 21.11.2011 and 2.3.2012. They submitted that the pick and choose policy adopted by the petitioner for questioning the judgments of the High Court shows that even in prosecuting matters before the Court, the petitioner has practiced discrimination among identically situated landowners. Shri Shishodhia, learned senior counsel for the respondent also pointed out that in SLP (C)No.2818/2008 the petitioner has deliberately omitted to file complete copy of the award passed by the Reference Court and thereby succeeded in misleading this Court to entertain the petition.

We have considered the respective submissions and perused the record.

We find merit in the submission of the learned senior counsel for the respondents that the special leave petition should be dismissed because in majority of cases the Defence Estate Officer had not challenged the award passed by the Reference Court by filing appeals under Section 54 of the Act. A chart of the appeals filed before the High Court is enclosed to buttress this inference. The petitioner has also not controverted the fact that in 26 matters, the appeals filed against the award of the Reference Court was dismissed by the High Court on the basis of the statement made by the counsel for the SLAO and that the case is similar to the one decided by this Court in Civil Appeal No. 17196 of 2008 and other connected cases. It is, thus, evident that the petitioner is not shown to

have challenged the judgments of the High Court in those cases. The petitioner has also not controverted the statement contained in paragraph 27 of IA No.3 of 2012 which shows that the petitioner has not filed special leave petition in 222 cases.

The only possible inference which can be drawn from the averments contained in IA No.3 of 2012 in SLP (C) No.2818/2008 is that the petitioner has unfairly discriminated the landowners in the matter of challenging the awards passed by the Reference Court and the judgments of the High Court. Therefore, we do not find any justification to entertain the special leave petitions and reduce the amount of compensation determined by the Reference Court.

With the above observations the special leave petitions are dismissed. The petitioner is directed to pay the enhanced compensation along with all statutory benefits to the landowners and/or their legal representatives within a period of four months in the form of demand drafts.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order in C.A.No.330 of 2009 with C.A.No.331 of 2009 is placed on the file)

Sl.No.	SLP No.	Appeal in HC by	H.C. order date
1	14305-14306/2007	SLAO	2.2.2007
2	18294-295/2007	SLAO	30.8.2006
3	478-479/2008	SLAO	30.8.2006
4	1756/2008	DEO	4.4.2007
5	2810-2817/2008	One appeal by DEO and all others by SLAO	4.4.2007
6	2818/2008	SLAO (but, as per page Z-15 DEO filed appeal)	4.4.2007
7	2820/2008	SLAO	30.3.2007
8	2821-2823/2008	SLAO	4.4.2007
9	2824/2008	SLAO	4.4.2007
10	2825/2008	SLAO	4.4.2007
11	2827/2008	SLAO	4.4.2007
12	2828/2008	SLAO	28.6.2007
13	2829/2008	SLAO	4.4.2007
14	2830/2008	SLAO	4.4.2007
15	2831/2008	DEO	4.4.2007
16	2832/2008	SLAO	4.4.2007
17	2833/2008	SLAO	4.4.2007
18	2834-2836/2008	SLAO	4.4.2007
19	2837/2008	SLAO	4.4.2007
20	2838-2846/2008	SLAO	4.4.2007
21	2847/2008	SLAO	4.4.2007
22	2849/2008	SLAO	4.4.2007
23	2850/2008	SLAO	4.4.2007
24	4082/2008	SLAO	4.4.2007
25	4084/2008		
26	4085/2008	SLAO	4.4.2007
27	4086/2008	SLAO	4.4.2007
28	4088/2008	SLAO	10.7.2007
29	4089/2008	SLAO	28.6.2007
30	4090/2008	SLAO	4.4.2007
31	4093/2008	SLAO	28.6.2007
32	4094-95/2008	SLAO	2.9.2006
			[Corrected on 31.3.2007]

33	4096-4100/2008	SLAO	10.7.2007
34	4102-4103/2008	SLAO	24.8.2006
35	4104-4108/2008	SLAO	4.4.2007
36	6519/2008	SLAO	10.7.2007
37	6524-6529/2008	SLAO	4.4.2007
38	6532/2008	SLAO	10.7.2007
39	6534/2008	SLAO	10.7.2007
40	11060-11065/2008	SLAO	19.7.2007 & 23.7.2007
41	11066/2008	SLAO	10.7.2007
42	11067/2008	SLAO	10.7.2007
43	11068-11073/2008	SLAO	10.7.2007
44	11075-11076/2008	SLAO	10.7.2007
45	11082-11087/2008	SLAO	23.7.2007
46	11091/2008	SLAO	23.7.2007
47	11092-11099/2008	SLAO	23.7.2007
48	11394-11395/2008	SLAO	23.7.2007
49	13875-13877/2008	SLAO	2.8.2007
50	13878-13879/2008	SLAO	23.7.2007
51	16419-16429/2008	SLAO	2.8.2007
52	21689-21691/2008	SLAO	27.6.2007
53	23428-23434/2008	SLAO	12.7.2007
54	31676-683/2008	SLAO	12.7.2007
55	CA No. 330/2009	SLAO	14.8.2006
56	CA No. 331/2009	SLAO	11.8.2006
57	1358/2009	SLAO	12.7.2007
58	1359/2009	SLAO	22.6.2007
59	3857-3864/2009	SLAO	4.4.2007
60	18435/2009	SLAO	18.11.2006
61	29474/2009	SLAO	18.11.2006
62	6923/2010	SLAO	12.7.2007
63	26548-26549/2010	SLAO	24.8.2006 & 1.6.2007
64	SLPCC 10484-486/2012	SLAO	28.5.2010 & 2.6.2010
65	SLPCC 11629-634/2012	SLAO	3.6.2010

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.330 OF 2009

DEFENCE ESTATE OFFICER ...APPELLANT

VERSUS

KEERA RAMA NAIK AND ANOTHER ...RESPONDENTS

With

CIVIL APPEAL NO.331 OF 2009

O R D E R

These appeals are directed against the judgments of the Division Bench of the Karnataka High Court whereby the appeals filed by Special Land Acquisition Officer, Sea Bird, Project No.1, Karwar (for short, the 'SLAO') under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') for setting aside judgment and award dated 28.10.2005 passed by the Additional Civil Judge (Sr. Division), Karwar (hereinafter described as the 'Reference Court') for payment of enhanced compensation to the landowners were dismissed.

Notice on the applications filed by the appellants for condonation of delay and the special leave petitions out of which these appeals arise was issued on 27.8.2007 and interim

stay was granted subject to the condition that the appellant shall deposit 25% of the enhanced compensation before the Reference Court within six weeks.

On 12.1.2009, the Court condoned the delay and directed that interim order shall continue till the disposal of the appeals.

Today, these appeals were listed along with a batch of special leave petitions and I.A.No.3/2012 filed by the respondents in SLP (C)No.2818/2008. By separate detailed order passed in SLP (C)Nos.26548-26549/2010 and connected matters, we have dismissed the special leave petitions on the ground that in some of the cases, like these appeals the Defence Estate Officer had challenged the judgments of the High Court despite the fact that he had not filed appeals under Section 54 of the Act; 26 appeals filed under Section 54 were dismissed on the statement made by the counsel appearing for the SLAO that issue raised therein is covered by the order passed by this Court in Civil Appeal No.17196/2008; that the petitioner and the SLAO had adopted the policy of pick and choose in challenging the judgments of the Reference Court and that the Defence

Estate Officer had not challenged the judgments of the Reference Court in 220 cases and no explanation was given as to why the methodology of pick and choose was adopted in challenging the judgments of the Reference Court. The Court also took cognizance of the fact that as many as 39 special leave petitions filed against similar judgments of the High Court approving the enhanced compensation determined by the Reference Court were dismissed on 19.9.2008, 9.2.2009 and 20.1.2012 on the ground of delay.

The record of these appeals show that the appellant had not challenged the judgments and orders of the Reference Court by filing appeals under Section 54 of the Act. Therefore, there is no valid ground or justification to entertain the appellant's challenge to the impugned judgments more so because other SLPs have been dismissed by separate detailed order.

In the result, the appeals are dismissed. The detailed order passed today in SLP (C)NOs.26548-26549/2010 shall be read as part of this order.

The appellant is directed to pay the enhanced amount of compensation and other statutory benefits to the landowners - respondents within four months in the form of demand drafts.

.....J.
[G.S. SINGHVI]

.....J.
[SUDHANSU JYOTI]

MUKHOPADHAYA]
NEW DELHI,
SEPTEMBER 13, 2012.