

PETITIONER:
THE SPECIAL LAND ACQUISITION OFFICER, KALINADAI (HYDRO-ELECTR

Vs.

RESPONDENT:
VASANT GUNDU BALE

DATE OF JUDGMENT 31/10/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
KIRPAL B.N. (J)

CITATION:
1995 SCC Supl. (4) 649 JT 1995 (8) 158
1995 SCALE (6) 305

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') acquiring an extent of six acres 21 Gunthas of land for Hydro Electric Project was published on August 12, 1975. The Land Acquisition Officer awarded compensation at various rates for wet land, dry land, garden land and phot-kharab land. On reference under Section 18, the Civil Court enhanced the compensation at a uniform rate of Rs.15,520/- per acre. On appeal under Section 54, the High Court enhanced the compensation to Rs.18,000/- per acre. Dissatisfied therewith, the State Government has filed this appeal by special leave.

Sri Veerappa, the learned counsel for the State, has contended that the High Court committed grave error of law in recording a finding that lands were possessed of potential value for building purposes. We find no force in the contention. It is seen that when 7,800 tenements were constructed in the project area, it would be clear that a township had come into existence. It is an admitted fact that the land under acquisition is about the township. It is also an admitted fact that in Ext.A-12 sanction was obtained on September 13, 1973 for conversion of agricultural lands into urban lands of the layout and sale of plots which could not take place due to the fact that mud was dumped on this land. Consequently, the sanction came to be cancelled by the Assistant Commissioner. Be that as it may, the High Court on the basis of the rental value had determined compensation at the rate of Rs.1200/- per acre applying the multiplier of 15 and arrived at the net income at Rs.18,000/- per acre. It is now settled law that the uniform rate of multiplier of 10 is being applied for the lands acquired even in the State of Karnataka. Even acceding the multiplier of 12 as held by this Court in Special Land Acquisition Officer, Davangree vs. P. Veerabhadarappa and Ors. [1984 (2) SCC 120], the claimant cannot get more than Rs.14,000/- per acre. Since

the State had not filed the appeal against the enhanced compensation under Section 26 of the Act, the amount awarded by the Reference Court had become final. Therefore, this Court cannot interfere with and reduce the compensation less than the amount awarded by the Civil Court. The enhanced compensation stands upheld at the rate of Rs.15,520/- per acre with solatium at the rate of 15% and 15% interest on the enhanced compensation.

The appeal is accordingly allowed but in the circumstances without costs.

JUDIS