

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9361 OF 2017  
[@ SPECIAL LEAVE PETITION (C) NO. 14353/2016]

B. NAGOJI RAO

PETITIONER(S)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER & ANR. RESPONDENT(S)

WITH

CIVIL APPEAL NO.9362/2017 @ SLP(C) NO. 14357/2016,

CIVIL APPEAL NO.9363/2017 @ SLP(C) NO. 14356/2016

J U D G M E N T

KURIAN, J.

There is a delay of 142 days (SLP(C) No.14353/2016), 148 days (SLP(C) No.14357/2016) and 110 days (SLP(C) No.14356/2016) in filing these petitions.

2. Delay condoned.

3. Leave granted.

4. After having heard the learned counsel for the appellants and the learned counsel for the respondents, we are of the view that the following contentions need consideration by the High Court with reference to the factual position which is not

available before us.

5. The contention raised by the appellants is that the land value should depend upon the quality of the land and not based on the crop which has been grown in the land at the time of Section 4(1) notification. To put it in clearer terms, in the case of the appellants there is no dispute that at the time of the notification they were growing sugarcane but in the adjacent land, arecanut trees have been cultivated. In the case of lands cultivated with arecanut trees compensation granted is Rs.10.08 Lacs per acre, whereas in the case of sugarcane the land value granted to the appellants is Rs.2.38 Lacs per acre and in the case of some other sugarcane fields, it is Rs.2.65 Lacs per acre. Our attention has been drawn on this aspect in respect of the adjacent land, as reflected in the order passed by a coordinate Bench.

6. According to the learned counsel appearing for the respondents it is not as if in all the adjacent lands arecanut have been grown. It is also submitted that in some adjacent lands it is sugarcane and in some it is arecanut. Be that as it may, as we have already referred to the above factual position of the adjacent land and particularly the evidence regarding the quality of soil not available before us, which

requires verification on the basis of evidence adduced before the Reference Court. As the records are available with the High Court, we are of the view that the matter requires reconsideration on the above aspect. In the process of such inquiry, if the High Court comes to a conclusion that the quality of the land of the appellants is that of the lands where arecanut trees have been grown, needless to say they will be entitled to similar treatment in the matter of compensation. What is material is the quality of the land and it does not necessarily depend on the crops grown at a particular time or season.

7. Accordingly, we set aside the impugned judgments and remit the matters to the High Court for fresh consideration. It will be open to both the sides to take all available contentions and refer to whatever materials and judgments in the case of adjacent lands for the purpose of establishing their point.

8. We make it clear that in the event of the High Court granting any enhancement of compensation, the appellants shall not be entitled for any statutory benefits for the period of delay either before the High Court at the appellate stage or before this Court when these petitions by way of special leave have been filed.

9. The appeals are, accordingly, disposed of.

10. Pending applications, if any, shall stand disposed of.

11. There shall be no orders as to costs.

.....J.

[KURIAN JOSEPH]

.....J.

[R. BANUMATHI]

NEW DELHI;  
JULY 20, 2017.

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). 14353/2016

(Arising out of impugned final judgment and order dated 17-08-2015 in MFA No. 2110/2014 passed by the High Court of Karnataka at Bangalore)

B. NAGOJI RAO

PETITIONER(S)

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER & ANR.

RESPONDENT(S)

WITH

SLP(C) NO. 14357/2016 (IV-A)

SLP(C) NO. 14356/2016 (IV-A)

Date : 20-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. S.N. Bhat, AOR

For Respondent(s) Mr. V.N. Raghupathy, AOR  
Mr. Parikshit P. Angadi, Adv.

Mr. Naveen R. Nath, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are disposed of in terms of the signed judgment.

(NARENDRA PRASAD)  
COURT MASTER (SH)

(RENU DIWAN)  
ASST. REGISTRAR

(Signed "Reportable" Judgment is placed on the file)