

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6957-6958 OF 2021

(Arising out of SLP (Civil) Nos.19179-19180 of 2021
Arising out of Diary No.26546 of 2018)

CHITRABAI & ANR. ETC.

Appellants

VERSUS

DEPUTY CHIEF ENGINEER (CONSTRUCTIONS),
SOUTH CENTRAL RAILWAYS-III, SECUNDERABAD & ANOTHER

Respondents

O R D E R

Application for substitution preferred to bring legal representative of the deceased appellant is allowed. Abatement, if any, is set-aside. Cause title be amended accordingly.

Delay condoned.

Leave granted.

These appeals challenge the judgment and order dated 25.01.2017 passed by the High Court of Karnataka, Bench at Kalaburagi in MFA CR-OB Nos.1580/2013 and 1583/2013.

The matters arising from the same acquisition had come up before this Court in Civil Appeal No.7642 of 2019, (titled "*Mahadev (D) by LRs Kalawati & Others v. Deputy Chief Engineer (Constructions), South Central Railways III & Another*") and

other connected matters, which were disposed of by this Court vide its judgment and order dated 26.09.2019. The lands from villages Shaikh Roza, Jafrabad and Taj Sultanpur were subject matter of consideration before this Court. The Land Acquisition Officer had determined the compensation in respect of three villages as under:

- (a) Lands situate in Shaikh Roza at the rate of Rs.1,25,500/- per acre.
- (b) Lands situate in Jafrabad at the rate of Rs.71,500/- per acre.
- (c) While Lands situate in Taj Sulthanpur at the rate of Rs.63,500/- per acre.

The Reference Applications preferred by the land holders had resulted in award of compensation by the Reference Court in respect of lands situated in village Shaikh Roza @ Rs.187.5 per sq. ft. while compensation so determined with respect to the village Jafrabad was @ Rs.142/- per sq. ft.

In the appeals before this Court, the lands coming from Shaikh Roza and Jafrabad were in issue. The final determination by this Court was as under:

" ... We, therefore, allow these appeals and direct as under:

- (a) In respect of lands coming from village Shaikh Roza, the appellants shall be entitled to compensation @ Rs.150 per sq. ft. as was awarded to other lands from the same village.

(b) In respect of lands coming from village Jafrabad, the appellants shall be entitled to compensation @ Rs.129.95 per sq. ft. as was awarded to other lands from the same village.

Since none of the appeals, presently before us, pertains to any lands coming from Tajsultanpur, we refrain from dealing with the issue in question, as regards the rate to be awarded to lands from Tajsultanpur."

The record indicates that the lands coming from villages Jafrabad and Taj Sultanpur were treated at same level and the compensation was so awarded. Since the compensation in respect of lands coming from village Jafrabad was raised by this Court to the level of Rs.129.95 per sq. ft., Ms. Kiran Suri, learned Senior Advocate appearing for the appellants submits that the compensation in respect of lands from village Taj Sultanpur be also put at the same level.

The submission is vehemently opposed by Mr. Vikramjit Banerjee, learned Additional Solicitor General appearing for the Railways.

Considering the entirety of the matter and the extent of land under acquisition, in our view, the ends of justice would be met if the compensation in respect of lands from Taj Sultanpur is put at the same level as was awarded in respect of lands of the village Jafrabad. Ordered accordingly.

The appellants shall, therefore, be entitled to compensation at the level of Rs.129.95 per sq. ft. for their lands from village

Taj Sultanpur.

With these observations, the instant appeals are allowed, without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
November 18, 2021

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS.6959-6960 OF 2021
(Arising out of SLP (Civil) Nos.21-22 of 2021)

SHAKUNTALABAI ETC.**Appellant(s)****VERSUS****UNION OF INDIA & OTHERS****Respondents****O R D E R**

Leave granted.

These appeals challenge the judgment and order dated 31.08.2020 passed by the High Court of Karnataka, Bench at Kalaburagi, in MFA Nos.201769/2018 and 201770/2018.

The lands under acquisition in the instant matter come from village Taj Sultanpur. However, as against the previous matter (i.e. Civil Appeal Nos.6957-6958 of 2021), the notification issued under Section 4 of the Land Acquisition Act, 1894 in the instant case was five years later. One of the methods adopted by the High Court and the Courts below in the instant case was to take the value awarded in the earlier acquisition to be the base value and then grant accretion per year @ 10 per cent. Adopting the same methodology, in our view, the base value for lands from the village Taj Sultanpur has to be taken at the level of Rs.129.95 per sq. ft.

Considering enhancement @ 10% per annum, enhancement to the tune of 50% has to be awarded in the present matter.

We, therefore, proceed to award Rs.195 per sq. ft. in respect of lands from village Taj Sultanpur in the instant matter.

The appeals are, accordingly, allowed to the aforesaid extent, without any order as to costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
November 18, 2021