

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

**CIVIL APPEAL NO. 6297 OF 2025  
(Arising out of SLP (C) NO. 5166 OF 2023)**

**EXECUTIVE ENGINEER,  
WORKS DIVISION, PWD** ... APPELLANT(S)

**VERSUS**

**FREGRENANDO ALEX NUNES & ORS.** ... RESPONDENT(S)

**WITH**

**CIVIL APPEAL NO. 6296 OF 2025  
(Arising out of SLP (C) NO. 14678 OF 2023)**

**FREGRENANDO ALEX NUNES AND ANR.** ....APPELLANT(S)

**VERSUS**

**THE DEPUTY COLLECTOR AND ANR.** ... RESPONDENT(S)

**ORDER**

1. These two appeals are directed against the judgment passed by the High Court of Judicature at Bombay at Goa in First Appeal No. 95 of 2014 with Cross Objection No. 3 of 2014 whereunder the appeal filed by the State and the cross objection filed by the land owners (for short 'claimants') came to be dismissed and the Reference Court judgment dated 12.2.2013 whereby the compensation was fixed at Rs.1,000/- per square

meter by modifying the award passed by the Land Acquisition Officer dated 11.2.2002 under which the compensation was fixed at Rs.30/- per square meter has been affirmed.

2. The State by contending that the compensation enhanced by the Reference Court which has been affirmed by High Court has preferred Civil Appeal No.6297 of 2025 and the land owners have filed Civil Appeal No.6296 of 2025 challenging the common judgment of the High Court dated 22.02.2022 referred to hereinabove.

3. We have heard learned counsels appearing for the parties and perused the case papers.

#### **BRIEF BACKGROUND**

4. A notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') came to be issued on 20.08.1999 whereunder the land bearing Survey No. 178/1 situated at Sencoale, Taluka Mormugao admeasuring 391 square meters amongst other lands owned by 'claimants' came to be acquired. Subsequently, notification under Section 6 of the Act was issued on 4.12.1999 and thereafter rectified by notifying the total area as 3,64,512 square meters. An award came to be passed under Section 11 on 11.2.2002, whereunder the compensation was determined at Rs.30/- per

square meter. Being aggrieved by the same a reference under Section 18 of the Act was sought for by the land owners and the Reference Court by its judgment and award dated 12.02.2013 enhanced the compensation by determining the market value of the acquired land at Rs.1,000/- per square meter. The State, being aggrieved by the enhancement made by the Reference Court, filed a First Appeal No. 95 of 2014 and the land owners filed Cross-Objection No. 3 of 2014 seeking further enhancement of the compensation whereunder the owners sought for determination of the compensation at Rs.3,000/- per square meter. The High Court by a common judgment dated 22.2.2022, as already noticed hereinabove, dismissed both the appeals. Hence, these appeals.

5. It is the contention of the learned counsel appearing for the State that the High Court had erred in confirming the compensation determined by the Reference Court on the ground that there was no basis or evidence for arriving at the market value of the property. It is also contended that the High Court had relied upon the sale deed dated 8.2.1993 which deed relates to the acquired land though not produced before the Reference Court since it reflected the price of the acquired land or market value as on date of purchase and by adding 15% to the said value every year the market value as on date of acquisition would be 682.35 per sq. meter and not Rs.1,000/- per sq. meter and as such reference court could not have relied

upon sale deed dt. 01.08.1995 Ex.-11 to arrive at the market value of the property at Rs.1,000/- per sq. meter. Hence, he prays for the appeal of the State being allowed and the compensation as awarded by the Land Acquisition Officer being restored.

6. Per contra, the learned counsel appearing for the land owners-claimants of the land would contend that reference court had relied upon the sale deed dated 8.2.1993 which relates to the acquired land itself and the said sale deed reflected the value of the land as on 1993 purchased by the land owners and this could not be the basis and it is only the sale deed dated 20.7.1995, Exhibit-11 which is most proximate to the Section 4(1) notification which ought to have been considered for fixing market value as it relates back to sale which took place 4 years prior to the present acquisition proceedings.

7. It is submitted that the said sale deed being the best evidence, same was noticed by the Reference Court in paragraph 12 of its judgment and yet has ignored or in other words, not accepted value reflected therein only on the ground that said land relating to the sale deed dt. 20.7.1995 Ex.-11 was at a distance of one kilometer from the acquired land though it had identical features. He would submit that by applying the sale exemplar method and adopting the consideration reflected in Exhibit-11, the market value would

be Rs.1600/- per square meter and by adding 15% for every year, the compensation be fixed accordingly in the event of this Court not accepting the value of the land at Rs.3,000/- per square meter as pleaded before the Reference Court, the High Court and this Court. Hence, he prays for claimants' appeal being allowed.

**8.** Having heard the learned counsels for the parties and on perusal of the judgment and award passed by the Reference Court and as affirmed by the High Court, we are of the considered view that market value as determined or compensation awarded for the acquired land measuring 391 square meters situated in Sencoale by the reference court is contrary to the evidence available on record and for the reasons enumerated hereinbelow. Hence, we are of the view that it requires to be enhanced.

**9.** The land owners acquired title to the land bearing Survey No. 178/1 at Sencoale at Taluk Mormugao under the sale deed dated 8.2.1993 (Ex.12). The said, land amongst others, came to be acquired under the preliminary notification dated 20.8.1999 and subsequently by the notification issued under Section 6(1) of the Act. The Land Acquisition Officer fixed the market value of the acquired land at Rs.30/- per square meter. However, the Reference Court enhanced the same to Rs.1,000/- per square meter. The owners of the land had placed reliance upon the sale

deed dated 20.07.1995 (Ex.11) to substantiate their claim for determination of the market value of the land as reflected in the said sale deed. However, the Reference Court did not accept the same on the ground that it is at a distance of one kilometer from the acquired plot and also on the ground that it is a bigger plot. On overall appreciation of evidence, the reference court has proceeded to determine the value of the land acquired @ Rs.1,400/- per sq. meter.

**10.** It is trite law that the courts have to consider the best evidence available for determination of the compensation and when sale exemplar method is adopted, the sale instances proximate to the notification issued under Section 4(1), if available, ought to be taken or, in other words, such evidence if available ought not to be discarded until any valid or justifiable reason being there. The petitioner neither relied upon the sale deed dated 8.2.1993 under which the land acquired was purchased nor sought for award of compensation on the basis of said sale-deed. Since the sale deed of the year 1993 which is more than six years prior to the date of Section 4 notification same could not have been considered by the reference court. This Court in catena of judgments has consistently held that the distance of time between the sale which is 4-5 years prior to the acquisition is to be considered in determining the market value of the acquired land as it would be the best evidence. For this proposition, the judgment of this Court in

**Ramrao Shankar Tapase Vs. Maharashtra Industrial Development Corporation and Others** reported in (2022) 7 SCC 563 can be looked up. This Court in the case of **The General Manager, Oil and Natural Gas Corporation Ltd. Vs. Rameshbhai Jivanbhai Patel & Anr.** (2008) 14 SCC 745 has held that sale instances preceding few years, i.e., 4-5 years is safe to be relied upon when there are no other proximate sale instances and if it is not available then only the sale instances of the five years can be looked into.

11. The aforesaid proposition also gets support from the judgment of this Court in **Ram Avtar etc. Vs. The State of Haryana & Ors.** (Civil Appeal Nos. 586-591 of 2017 decided on 20.09.2017) whereunder it has been held that sale instances beyond 4 to 5 years may not be relied upon. In the instant case, the Reference Court award, as affirmed by the High Court, would clearly indicate that the sale instance of the same land which was acquired, namely, the sale deed dated 8.2.1993 Ex.13 has been partly relied upon by reference court for determination or fixing the compensation which is contrary to the principles enunciated by this Court. It is for this precise reason, we are of the considered view that the Reference Court award as affirmed by the High Court is to be held as an erroneous finding warranting our interference. Undisputedly the claimants had tendered the sale deed dated 20.07.1995 (Ex.11) whereunder an extent of 3964.35 sq.

meters of land was sold for a consideration of Rs.63,74,960/-. This sale deed, came into existence about four (4) years prior to acquisition of the land of the claimants. This evidence, though available on record could not have been ignored by Courts below. Merely because the land owned by the appellants which was acquired measures only 391 square meters out of the total extent of acquired land measuring 3,64,512, the Reference Court or the High Court could not have ignored the sale deed dated 20.7.1995, Exhibit-11. In fact, the Reference Court has also noticed that the acquired land has better amenities like being proximity to School, College, Zuari Nagar Industrial factory, Sencoale Industrial Estate and Junction or, in other words, the potential of the acquired land would be much more than the value reflected in the sale deed dated 20.7.1995 marked as Exhibit-11. It is for this additional reason also, we are of the considered view that value of the acquired land has to be fixed as reflected in the sale deed dated 20.7.1995, Exhibit-11, which has been erroneously ignored by both the courts.

**12.** The total extent of the land belonging to the appellants in Civil Appeal No. 6297 measures 391 square meters. The value of the land measuring 3984.35 square meters appearing in the sale deed dated 20.7.1995 Exhibit-11 is Rs.63,74,960/- which would be Rs.1,600/- per square meter. ( $63,74,960 \div 3984.35$ ). The said sale deed is of the year

1995. It is quite natural that there would be increase in the value of the land. The land in question which was acquired in 1999 as noticed hereinabove, is within the proximity of school, colleges and industrial town and as such the appreciation would not be less than 15% per year. Thus, applying 15% enhancement or appreciation of the value of the land for every year is adopted, the value of the land belonging to the claimants which came to be acquired would be Rs.2433.40 per square meter and, thus, the market value of the land as on the date of issuance of Section 4(1) notification is determined at Rs.9,51,459.40 (2433.40 x 391 sq. meters). Accordingly, the same is awarded with proportionate interest and all additional benefits as indicated in the second and third paragraph of the operative portion of the award of the Reference Court dated 12.2.2013.

**13.** In the result, Civil Appeal No. 6296 of 2025 arising out of Special Leave Petition (Civil) No. 14678 of 2023 is hereby allowed in part and the Civil Appeal No. 6297 of 2025 arising out of Special Leave Petition (Civil) No. 5166 of 2023 stands dismissed. Pending applications, if any, shall stand consigned to records. No order as to costs in both appeals.

.....,J.  
**[J.K. MAHESHWARI]**

.....,J.  
[ARAVIND KUMAR]

**New Delhi;**  
**May 02, 2025.**

ITEM NO.55

COURT NO.6

SECTION IX

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). 5166/2023  
[Arising out of impugned final judgment and order dated 22-02-2022  
in FA No. 95/2014 passed by the High Court of Judicature at Bombay  
at Goa]

EXECUTIVE ENGINEER

Petitioner(s)

VERSUS

FREGRENANDO ALEX NUNES &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 14678/2023 (IX)  
(IA No.115807/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

Date : 02-05-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. Raghav Sharma, Adv.  
Mr. Salvador Santosh Rebello, AOR  
Ms. Kritika, Adv.  
Mr. Jaskirat Pal Singh, Adv.

Mr. Shishir Deshpande, AOR

For Respondent(s) : Mr. Salvador Santosh Rebello, AOR  
Mr. Raghav Sharma, Adv.  
Ms. Kritika, Adv.  
Mr. Jaskirat Pal Singh, Adv.

Mr. Ankit Yadav, AOR

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

1. Leave granted.
2. Civil Appeal No. 6296 of 2025 arising out of Special Leave

Petition (C) No. 14678 of 2023 is allowed in part and Civil Appeal No. 6297 of 2025 arising out of Special Leave Petition (Civil) No. 5166 of 2023 stands dismissed in terms of the signed order. Pending applications, if any, shall stand consigned to record. No order as to costs in both the appeals.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**

**(Signed order is placed on the file)**