

Krapa Rangiah

Vs

Special Deputy Collector, Land Acquisition

Civil Appeals Nos. 1307 and 2174 of 1970

(V. D. Tulzapurkar, A. N. Sen JJ)

05.01.1982

JUDGMENT

TULZAPURKAR, J.-

1. The only question raised in these appeals is whether the High Court was justified in reducing the rate at which compensation was granted by the City Civil Court for the lands acquired for the A.P. Housing Board for construction of houses under the Composite Housing Scheme. Two pieces of lands were acquired bearing Survey 114 admeasuring 4 acres and 25 guntas and Survey 115 measuring 6 acres and 21 guntas (totalling to 51366 square yards) under the Notification in question along with 15 other survey numbers. The Land Acquisition Officer granted compensation at the rate of Rs 6 per square yard for 21385 sq. yds. comprising Survey 114 and at the rate of Rs 6.50 per sq. yd. for 29981 sq. yds. comprising Survey 115. The claimant got a reference made to the City Civil Court which enhanced the compensation at a uniform rate of Rs 10 per sq. yd. The State preferred an appeal to the High Court while the claimant also preferred his appeal claiming still higher compensation over and above that was granted by the City Civil Court. The High Court dismissed the claimant's appeal but allowed the State's appeal granting compensation at the rate of Rs 7 per sq. yd. It is this judgment of the High Court that has been challenged by the claimant in the appeals before us.

2. Counsel for the claimant has urged that the High Court has in another claim proceeding in respect of certain lands which had been acquired under the selfsame Notification granted compensation at the rate of Rs 9 per sq. yd. It has been pointed out that in Appeal No. 50 of 1970 decided subsequently in respect of lands covered by Surveys 173, 101, 112 and 121-B acquired under the same Notification compensation has been awarded by the High Court at the rate of Rs 9 per sq. yd. and since these lands, particularly land covered by Survey 112, are adjoining the lands in question it would be rather inequitable and discriminatory to grant lesser compensation at the rate of Rs 7 per sq. yd. as has been done by the High Court in the instant case. It is further pointed out that area of Survey 112 is also large, comparable to the area covered by the two surveys in question and in view of this subsequent judgment of the High Court which has become final, there being no appeal preferred by the State to this Court, the same rate should be granted to the present claimant. We find considerable force in the contention of the claimant.

3. Counsel for the State however contended before us that the judgment under appeal according to him is a more reasoned one than the judgment of the High Court in which compensation at the rate of Rs 9 per sq. yd. has been awarded and on merits the rate of Rs 7 per sq. yd. at which the compensation has been awarded is justified and should not be interfered with. It is not possible for us to accept this contention. Having gone through both the judgments we are not impressed by the

argument that the judgment of the High Court in the subsequent case in which compensation at the rate of Rs 9 was awarded is not a reasoned judgment or that it is any less reasoned than the judgment under appeal. The area being comparable, the situation also being the same and all the plots having been acquired under the selfsame notification for Housing Scheme it seems to us proper that the same rate of compensation should be awarded to the claimant herein as was awarded by the High Court in Appeal No. 50 of 1970. We accordingly enhance the compensation granted to the claimant by Rs 2 per sq. yd. with consequential increase in solatium and interest. There will be no order as to costs.

4. The judgment disposes of both the appeals.

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