

Land Acquisition Officer, City Improvement Trust Board

Vs

N. Nagappa (dead) by Lrs and Others

Civil Appeal No. 651 of 1974

(M.P. Thakkar, M.M. Dutt JJ)

15.01.1988

JUDGMENT

The question before the court is as to whether for the purpose of ascertaining the market value, date of issue of the notification under Section 16 of the City of Bangalore Improvement Act, 1945 (Bangalore Act) is the relevant date for the purpose of valuation or whether the date of issue of the notification under Section 18 of the said Act is the material date for this purpose. This Court has taken the view that the date of issuance of the notification under Section 16 of the said Act would be the relevant date for the purpose of determining the market value of the land in question having regard to the fact that Section 16 can be equated to Section 4(1) of the Land Acquisition Act in the Land Acquisition Officer, City Improvement Trust Board, Bangalore v. H. Narayanaiah. ((1976) 4 SCC 9 : AIR 1976 SC 2403) Since the point is covered in favour of the appellant by the aforesaid decision, we allow the appeal, set aside the judgment and order of the Karnataka High Court and remit the matter to the High Court with the direction to decide the matter afresh on evidence on record, so as to determine the market value of the land under acquisition as on the date of the publication of the notification under Section 16 of the Bangalore Act. There will be no order as to costs.

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