

Special Land Acquisition Officer, Kalinadai (Hydro-Electric) Project, Dandali, Uttra Kannada District

Vs

Vasant Gundu Bale

Civil Appeal No. 3133 of 1982

(K. Ramaswamy, B. N. Kirpal JJ)

31.10.1995

ORDER

1. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') acquiring an extent of six acres 21 gunthas of land for Hydro-Electric Project was published on 12-8-1975. The Land Acquisition Officer awarded compensation at various rates for wet land, dry land, garden land and phot-kharab land. On reference under Section 18, the civil court enhanced the compensation at a uniform rate of Rs 15,520 per acre. On appeal under Section 54, the High Court enhanced the compensation to Rs 18,000 per acre. Dissatisfied therewith, the State Government has filed this appeal by special leave.

2. Shri Veerappa, learned counsel for the State, has contended that the High Court committed error of law in recording a finding that lands were possessed of potential value for building purposes. We find no force in the contention. It is seen that when 7800 tenements were constructed in the project area, it would be clear that a township had come into existence. It is an admitted fact that the land under acquisition is abutted against the township. It is also an admitted fact that in Ext. A-12, sanction was obtained on 13-9-1973 for conversion of agricultural lands into urban lands of the layout and sale of plots which could not take place due to the fact that mud was dumped on this land. Consequently, the sanction came to be cancelled by the Assistant Commissioner. Be that as it may, the High Court on the basis of the rental value had determined compensation at the rate of Rs 1200 per acre applying the multiplier of 15 and arrived at the net income at Rs 18,000 per acre. It is now settled law that the uniform rate of multiplier of 10 is being applied for the lands acquired even in the State of Karnataka. Even acceding the multiplier of 12 as held by this Court in Special Land Acquisition Officer v. P. Veerabhadarappa [(1984) 2 SCC 120], the claimant cannot get more than Rs 14,000 per acre. Since the State had not filed the appeal against the enhanced compensation under Section 26 of the Act, the amount awarded by the reference court had become final. Therefore, this Court cannot interfere with and reduce the compensation less than the amount awarded by the civil court. The enhanced compensation stands upheld at the rate of Rs 15,520 per acre with solatium at the rate of 15% and 15% interest on the enhanced compensation.

3. The appeal is accordingly allowed but in the circumstances without costs.