

Special Land Acquisition Officer

Vs

Virupax Shankar Nadagouda

Civil Appeals Nos. 703-704 of 1989

(K. Ramaswamy, G. B. Pattanaik JJ)

21.08.1996

JUDGMENT

1. The Land Acquisition Officer awarded compensation @ Rs. 3500 per acre for bagayat land and for the rest of the land (jirayat dry) at Rs. 960 per acre. On reference, the Civil Judge enhanced the compensation to Rs. 10,000 per acre for bagayat lands in which sugarcane was grown and for the rest of the land he granted at Rs. 4000 per acre. The High Court of Karnataka in the impugned judgment dated 9-9-1988 confirmed the same. Thus these appeals by special leave.
2. Two contentions have been raised by Shri Veerappa, the learned counsel for the appellant. The Reference Court had wrongly applied multiplier of 15 years in computing the annual yield. This Court in *Special Land Acquisition Officer v. P Veerabhadarappa* [(1984) 2 SCC 120 : (1984) 2 SCR 386] followed in other judgments, had held that 10 years' multiplier would be the proper method of calculation of the compensation.
3. Accordingly 10 years' multiplier should be applied in determining compensation under Section 23(1) of the Land. Acquisition Act, 1894. He also contended that separate compensation granted for the well in the sum of Rs. 13,000 is not valid in law. When the owner of the land is getting the water drawn from the well to raise the crops and when he claims compensation for the land on the basis of the yield, he cannot separately claim compensation for the well. Therefore, the Reference Court obviously was in error in granting compensation for the well at Rs. 13,000. It is accordingly set aside. 10 years' multiplier should be applied to the annual value of the yield for calculation of compensation under Section 23(1) of the Act. The Reference Court accordingly is directed to recalculate the compensation under these principles and determine the compensation and pay over the same to the respondents. If the amount has already been recovered, it would be open to the appellant to recover the balance amount.
4. The appeals are accordingly allowed. No costs.