

Special Land Acquisition Officer, Srirangapatnam

Vs.

Nagegowda

Civil Appeal No. 11369 of 1996

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

23.08.1996

ORDER

1. Leave granted.

2. We have heard learned counsel on both sides.

3. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published on 26-12-1985 acquiring land admeasuring 5 acres 21 gunthas for the purpose of formation of Hemavathi left bank canal. The Land Acquisition Officer awarded compensation on 23-2-1988 @ Rs 4800 per acre. On reference, the Civil Judge relying upon Ex. P-3 awarded compensation @ Rs 20,000 per acre. He categorically rejected the contention of the claimant that he was growing sugarcane, hybrid jowar and mulberry getting a full yield of Rs 25,000 per acre. On appeal, the High Court by impugned judgment dated 18-8-1994 in FA No. 1311 of 1994 confirmed the same. Thus this appeal by special leave.

4. Having considered the facts and circumstances in this case, we think that reasonable compensation would be Rs 10,000 per acre. The judgment referring to Ex. A-3 has been placed before us and it indicates that it related to land with coconut trees. Even the amount awarded by the Civil Judge in that case is now the subject-matter in the appeal before the District Judge filed under Section 54 of the Act. Under these circumstances, Ex. A-3 is absolutely irrelevant for determination of the compensation. Accordingly, the respondent is entitled to enhanced compensation @ Rs 10,000 per acre with solatium at 30 per cent under Section 23(2), interest under Section 28 at 9 per cent for one year from the taking of possession and at 15 per cent thereafter on enhanced compensation till the date of deposit into court and additional amount under Section 23(1-A) at 13 (sic 12) per cent per annum from the date of issue of Section 4(1) notification till the date of the award.

5. The appeal is accordingly allowed. No costs.