

Gurlingappa and Others

Vs

Assistant Commissioner and Land Acquisition Officer, Gulbarg

SLP (C) No. 2846 of 1997

(K. Ramaswamy, S. Saghir Ahmed, G. B. Pattanaik JJ)

28.01.1997

ORDER

1. Delay condoned.

2. Notification under Section 4(1) of the Land Acquisition Act, 1894 was published in October 1977 for construction of Amerja Project. The Land Acquisition Officer in his award under Section 11 awarded compensation @ Rs. 3000 per acre. On reference, the District Court enhanced the compensation to Rs. 6300 per acre for duty lands and Rs. 9820 per acre for Bagyat lands (cultivable lands). On appeal, the High Court dismissed the same and confirmed the award of the reference court. Thus, this special leave petition.

3. It is contended for the petitioners that in similar circumstances, the Additional Civil Judge has enhanced the compensation to Rs. 12,000 per acre for the irrigated land and Rs. 8000 per acre for the dry lands and confirmed by the judgment of the High Court in RFAs. Nos. 1160 and 1825 of 1992 and, therefore, the petitioners also are entitled to the same compensation. We find no force in the contention. It is now a well-settled legal position that in compulsory acquisition, the Court would sit in the armchair of a willing purchaser and would ask whether as a reasonable prudent vendee, he would offer in the open market the rate of market value proposed by him in respect of the land under acquisition. The Court requires to consider the relative values of the lands in the neighbourhood, the soil condition and same or similar advantageous features on comparable prices. The High Court has pointed out in its judgment that there is no evidence to show that the lands referred to in those judgments bear any similarity to the lands in question. On the other hand, it is pointed out that for the same project and for the lands situated in the same village another award for a sum of Rs. 6320 per acre was passed by the Additional Civil Judge and the same has been upheld by the High Court.

4. Under these circumstances, we do not find any illegality in the determination of the compensation warranting interference.

5. The special leave petition is accordingly dismissed.