

**SUPREME COURT OF INDIA**

K. Sharadarani Srinivas

Vs.

Special Land Acquisition Officer

C.A.No.6202 of 2001

(B.N. Agrawal and G.S. Singhvi JJ.)

14.07.2009

**ORDER**

1. Heard learned counsel for the parties.

2. The appellant's land situated within the area of Bagalkot Municipality was acquired in the year 1991. For this purpose, Notification under Section 4(1) of the *Land Acquisition Act, 1894* [for short "the Act"] was issued on 4.9.1991. By an award dated 15.2.1995, the Land Acquisition Officer fixed the market value of the land at Rs.175 per sq. meter. On an application made by the appellant, the Collector made a reference under Section 18 of the Act. Before the Reference Court, the appellant filed three sale deeds dated 1.4.1952, 9.1.1957 and 19.10.1977 which were marked as Exhibits P.2, P.3 and P.4 respectively. The Reference Court relied upon Exhibit P.4 vide which 300 sq. feet land was sold for a sum of Rs.10,702/- (Rs.384 per sq. meter) and enhanced the compensation from Rs.175 per sq. meter to Rs.700 per sq. meter by giving ten per cent increase per annum.

2. On an appeal filed by the Special Land Acquisition Officer under Section 54(1) of the Act, the High Court modified the award of the Reference Court and reduced the compensation from Rs.700 per sq. meter to Rs.380 per sq. meter. Hence, this appeal by special leave.

3. Learned counsel for the appellant relied upon the judgment in *Special Land Acquisition Officer, BTDA, Bagalkot vs. Mohd. Hanif Sahib Bawa Sahib*<sup>1</sup> to show that in respect of the land acquired for new township of Bagalkot, increase of ten per cent per annum has been approved by this Court and submitted that in view of that judgment, award passed by the Reference Court may be restored. Learned counsel for the respondents submitted that compensation awarded for the land which was subject matter of the case cited by the learned counsel was at the rate of only Rs.8 per sq. feet and, therefore, the principle laid down therein cannot be made basis for upsetting the impugned judgment.

4. We have carefully gone through the judgment in *Special Land Acquisition Officer, BTDA, Bagalkot vs. Mohd. Hanif Sahib Bawa Sahib* and are of the view that the issue raised in the present appeal is squarely covered by the aforesaid judgment because this Court categorically

upheld the increase of ten per cent per annum with reference to the sale deed of an earlier year.

5. Accordingly, the civil appeal is allowed, impugned order rendered by the High Court is set aside and the same passed by the Reference Court is restored.

No costs.

*<sup>1</sup>2002 (3) SCC 688*