

SUPREME COURT OF INDIA

Madhusudan Kabra

Vs.

State of Maharashtra

C.A.No.18001 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

06.11.2017

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.24199/2016

1. Leave granted.

2. The appellants are before this Court, aggrieved by the order passed by the High Court, declining to grant land value to the extent they had prayed before the Reference Court. The acquisition is pursuant to the Notification under Section 4(1) of the Land Acquisition Act, 1894 in 1992. The Land Acquisition Collector relied on exemplar of 1988 and granted compensation to the tune of Rs.23,500/- per hectare. The Reference Court declined to grant any enhancement. The High Court, taking note of the fact that the acquisition is of the year 1992 but the exemplar taken is of 1988, granted 10% annual increase on the exemplar and thus granted a further amount of Rs.8,400/- thus total compensation of Rs.32,000/- per hectare was granted towards acquisition for the purpose of a canal. Though the appellants took several contentions before this Court, while issuing notice by order dated 12.08.2016 we have made it clear that the scope of inquiry by this Court would be limited to two aspects, one the percentage of enhancement and the other, whether it should be on the simple or compound basis.

3. Having regard to the facts and circumstances of this case, we are of the view that the interests of justice would be served by fixing annual increase on the exemplar, in the peculiar facts of this case by 15% at compounding rate.

4. We are conscious of the fact, while granting relief, as above, the appellants have not been granted separate compensation for the fruit bearing trees.

5. Accordingly, the order passed by the High Court will stand modified to the above extent. As we have already made it clear vide our order dated 12.08.2016, the appellant would not be entitled for any statutory benefits for the period of delay.
6. The respondents are directed to deposit the amount before the Executing Court within a period of three months.
7. The appeal is, accordingly, disposed of.
8. Pending applications, if any, shall stand disposed of.
9. There shall be no orders as to costs.