

# SUPREME COURT OF INDIA

Kalluri Venkata Narasimha Rao @ Narsinga Rao

Vs.

The Land Acquisition Officer and Sub-Collector, Jagtial

C.A.No.8153-8154/2008

(Kurian Joseph and Sanjay Kishan Kaul, JJ.,)

09.08.2018

## JUDGMENT

**Kurian Joseph, J.,**

SLP(Civil)No.4295-4296/2015

1. Leave granted.
2. The appellants are before this Court aggrieved by two aspects: (i) The High Court did not award compensation for the wells; and (ii) the High Court went wrong in making a deduction of 60% from the land value towards development charges.
3. Heard the learned counsel for the appellants and the learned counsel appearing for the respondent. As far as first issue is concerned, we are of the view that the appellants having not adduced any evidence regarding the wells from which water have been taken and the evidence being contrary that the wells were in dilapidated condition, we are of the view that no further compensation is permissible in that regard.
4. As far as development charges are concerned, learned counsel for the respondent points out that the exemplar was only for 99 sq. yds., whereas the total acquired land is 05 acres. In the circumstances, the High Court rightly deducted 60% towards development costs/charges, it is submitted.
5. We are afraid, this argument cannot be appreciated. There is no challenge by the respondent on the value fixed. The High Court has taken the exemplar for the purpose of land value and the only dispute is with regard to the deduction towards development charges. It is not disputed that the acquired land is abutting residential area of Mallapur, which is a Mandal Headquarter where bank, high school, bus stand, telephone exchange, police station, primary health centre, cinema hall, petrol pumps are located. It may be noted that there is no discussion at all in the impugned judgment for such deduction. It may also be seen that even

according to the Land Acquisition Collector while passing the award, the deduction was only 30% towards development costs.

6. In the above circumstances, the appeals are disposed of as follows:-

The deduction towards development costs/charges shall only be 30% of the land value fixed by the High Court and in all other respects the impugned judgment stands confirmed. The appellants will also be entitled to statutory benefits arising out of this re-fixation.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.