

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9688 OF 2014
(ARISING OUT OF SLP (CIVIL) NO.22163 OF 2010)

WITH

CIVIL APPEAL NOS. 9689-9690 OF 2014
(ARISING OUT OF SLP (CIVIL) NOS.25939-25940 OF 2010)

WITH

CIVIL APPEAL NO. 9691 OF 2014
(ARISING OUT OF SLP (CIVIL) NO.3568 OF 2011)

WITH

CIVIL APPEAL NO. 9692 OF 2014
(ARISING OUT OF SLP (CIVIL) NO.3570 OF 2011)

WITH

CIVIL APPEAL NO. 9693 OF 2014
(ARISING OUT OF SLP (CIVIL) NO.3969 OF 2011)

K.R. SUNDRAM @ SUNDARARAJAN & ORS. APPELLANTS

VERSUS

THE LAND ACQUISITION OFFICER
& SPC. TAHIS RESPONDENTS

J U D G M E N T**ADARSH KUMAR GOEL J.**

1. Leave granted.
2. These appeals have been preferred against common judgment dated 21st December, 2009 of the High Court of Judicature at Madras arising out of the proceedings for determination of compensation for the land acquired by the Tamil Nadu Housing Board, Coimbatore Housing Unit in pursuance of Notification dated 18th August, 1983 under Section 4 of the Land Acquisition Act (for short "the Act"). In the group of cases heard by the High Court, in some of the cases Notifications under Section 4 of the Act are dated 25th February, 1983, 7th March, 1983 and 7th September, 1983.
3. The Collector, vide Award dated 25th November, 1988, determined the compensation @ Rs.200/- per cent. The Reference Court gave six separate awards. In four of the awards, compensation was determined @ 6,000/- per cent. In fifth award, the rate fixed was Rs.400/- per cent while in the sixth award, the rate fixed was Rs.7,000/- per cent. High Court determined market value to be Rs.2,000/- per cent, apart from other statutory benefits.
4. We have heard learned counsel for the parties.
5. From the impugned judgment of the High Court, we find

that in A.S. No.780 of 2004, the Reference Court relied upon sale instance at Serial No.123 in Exhibit R 2 dated 30th September, 1981. At Serial No.124 sale of 50 cents of land was for Rs.1,21,212/- @ Rs.6,06,060/- per acre. The High Court pointed out that an error was committed in treating the value to be Rs.1,71,211/- instead of Rs.1,21,212/-. On that ground, the High Court left out the said sale instance from consideration and by excluding the said material, determined compensation @ Rs.2,000/- per cent.

6. It is pointed out that the mere mistake was no ground to exclude the sale instances from consideration and after correction of the said mistake the transaction should have been considered. Since undisputed value disclosed in the said instance was Rs.6,06,060/- per acre, the compensation should be held to be Rs.6,000/- per cent as determined in the four of the six awards of the Reference Court.

6. It has also been pointed out that the acquired land was of prime location and was easily accessible to facilities like railway station, bus stand, market etc. There were lot of industries and other educational institutions in the vicinity. The land was acquired for the housing colony. These aspects ought to be given due consideration.

7. We notice the following finding in the impugned order of the High Court :

“However, it has to be noted that having regard to the location of the lands, which is easily accessible to various other facilities, like railway station, bus stand, market etc., it cannot be held that there is a total lack of facilities or amenities relating to the land. In fact, the evidence let in before the Court below disclose that in the vicinity of the acquired land there were lot of industries and other educational institutions.”

8. We have also noticed the discussion in the impugned judgment excluding the crucial evidence which has been relied upon on behalf of the land owners, which is as follows :

“Mr. S. Parthasarathy, learned senior counsel appearing for the respondent in A.S. No.780/2004, in his submissions, pointed out that the court below relied upon Serial No.123 in Ex. R.2. Learned senior counsel pointed out that the said sale was in respect of the land in S.No.59 and the sale was also on 30.09.1981 conveying 20 cents of lands for a sum of Rs.1,71,211/-. Learned senior counsel therefore contended that when in a part of the acquired land viz., the land in S.No.59, there was a sale more than one year prior to the acquisition and with reference to the said sale when there was no dispute, there was every justification in the court below having adopted the value of the said sale for the purpose of arriving at the market value to pay the compensation. We examined Ex. R.2. As against Serial No.123, we find that while the document number is 219/28, the sale was on 28.01.1981 and the Survey number was 58. The sale value was Rs.20,000/- and the value per acre was Rs.8,000/-. The total extent of land was 2 acres and 50 cents. On further examination, we find that in Serial No.124, there was a sale of land in S.No.226 on 30.09.1981 by Document No.256. That was a sale of 50 cents of land for a value of Rs.1,21,212/-, which works out to Rs.6,06,060/- per acre. In fact, there appears to have been an obvious mistake committed by the court below while referring to the details of the sale mentioned in Serial No.123. Though Serial No.123 related to S. No.58, which is part of the acquired lands, which has been correctly noted by the court below, the court below seems to have recorded the sale mentioned in Serial No.124 and even while recording

the purchase value, the court below seem to have committed an error in that, instead of mentioning Rs.1,21,212/-, it has mentioned Rs.1,71,211/-. We are therefore convinced that the reference to Ex.R.2 and the details mentioned in Serial No.123 were obvious mistakes and therefore we are not inclined to accept any conclusion reached by the court below on that basis."

9. We are of the opinion that even if mistake pointed out by the High Court that value of transaction at Sr. No.124 was wrongly mentioned as Rs.1,71,211/- instead of Rs.1,21,212/- which worked out to Rs.6,06,060/- per acre was correct, the view taken by the Reference Court in determining compensation @ Rs.6,000/- per cent did not call for any interference.

10. Accordingly, we allow these appeals and enhance the compensation for the acquired land to Rs.6,000/- per cent in addition to statutory benefits.

11. The appeals are disposed of accordingly.

.....J.
[V. GOPALA GOWDA]

NEW DELHI
October 14, 2014

.....J.
[ADARSH KUMAR GOEL]