

Reportable

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6235-6236 OF 2009
(arising out of SLP [C] NO.9191-9192 OF 2009)

SECRETARY, AGRICULTURAL PRODUCE
MARKET COMMITTEE, BAILHONGAL ... APPELLANT

Vs.

QUASAMI JANAB AJMATALLA SALAMULLA & ANR.
... RESPONDENTS

O R D E R

Leave granted. Heard the learned counsel.

2. The lands belonging to the respondent situated at Kittur Shigihalli, measuring 8 acres 7 guntas, were acquired for the benefit of the appellant Market Committee. In regard to the said acquisition initiated under preliminary notification dated 26.03.2002, the Land Acquisition Officer determined the compensation as Rs. 36,000/- per acre. The Reference Court increased it to Rs. 4,00,000/- per acre. The High Court disposed of the appeal filed by the appellant by the impugned Judgment dated 1.12.2008 reducing the compensation from

Rs.4,00,000/- per acre to Rs. 3,75,200/- per acre. The appellant challenges the said judgment, not being satisfied by the marginal reduction.

3. We find that the judgment of the High Court is very short and sketchy and does not contain any facts. It contains only a reference to a table of sale statistics relating to nine transactions given by the sub-Registrar and the following reasoning :

"In the present case the notification is dated 26th March, 2002. The sale of one gunta sold in Sy. No.6 for R.1400 the value of land at that rate would Rs.156,000. If 33% is deducted towards development charges the compensation would be Rs.3,75,200/- per acre."

It is not possible to discern either the facts or the reasons for the decision. There is no reference to the findings of the reference court. There are several errors in the two sentences deciding the appeals. Firstly, the reference to 'Sy.No.6' is erroneous. The table of nine sale statistics contained in the judgment does not refer to Survey No. 6. Further if one gunta was sold for Rs. 1400/- as assumed by the High Court, the value per acre (40 guntas) would be only Rs. 56,000/-. If 33% is deducted therefrom the market value will be Rs. 37,520/- and not Rs.3,75,200/-. Even if the price of one acre is taken as Rs. 1,56,000/- as stated by the High Court and if 33% is deducted towards development charges, the market value will be Rs.1,04,520/- per acre. Therefore,

there is absolutely no basis for calculating the value as Rs.3,75,200/- as arrived at by the High Court. If the High Court had some other mode of calculation in mind, that is not indicated in the judgment. This shows non-application of mind while deciding the appeal.

4. It is however possible that the High Court was referring to serial no.6 in the Table of sale statistics extracted in the judgment which relates to sale of one gunta of land in Sy. No.83/2B of Kittur village for Rs.14000/- under a deed registered on 24.11.2001, which works out to Rs. 560,000/- per acre and if 33% is deducted therefrom towards development charges, shows a value of Rs.375,200/- per acre. But unfortunately, the judgment does not say so. Further there is no explanation why other sale transactions in the table, particularly Serial No. 5 should be ignored. There is also no finding that the land at Serial No. 6 of the table is comparable to the acquired land and have similar development potential. There is also no reasoning as to why the deduction towards development charges (deductions for roads/drains/amenities etc. and the cost of development) was restricted to 33% instead of the standard deduction in the range of 50% to 67% applicable to agricultural land. Therefore, the appeal requires to be remanded to the High Court, for fresh disposal. If the

High Court had considered the matter in a little more detail and with little more care, this remand could have been avoided.

5. We are conscious of the high pendency and work load on the High Courts. Some learned Judges, in their effort to speed up disposals and reduce pendency, tend to write cryptic and short orders. While expedition and brevity is to be encouraged and appreciated, the importance of reasons in support of the decision cannot be ignored. If judgments in first appeals are written without reference to facts (where decision is on facts) or without assigning any justifiable reason/s for the decision, they will be open to legitimate criticism. The litigants will be puzzled by the lack of reasoning and will lose faith in the institution. Further any appellate court will not be able to fathom whether the judgment is correct or not. Courts, whose judgments are subject to appeal have to remember that the function of a reasoned judgment are:

- (i) to inform the litigant the reasons for the decision;
- (ii) to demonstrate fairness and correctness of the decision;
- (iii) to exclude arbitrariness and bias; and
- (iv) to enable the appellate/revisional court to pronounce upon the correctness of the decision. Be that as it may.

6. We, therefore, allow the appeals, set aside the judgment of the High Court and remand the matter to the High Court for fresh consideration and disposal in accordance with law. We request the High Court to dispose of the matter expeditiously.

J.
(R. V. Raveendran)

J.
(B. Sudershan Reddy)

New Delhi;
September 11, 2009.



JUDGMENT

