

PETITIONER:
THE SPECIAL LAND ACQUISITION OFFICER, SRIRANGAPATNAM

Vs.

RESPONDENT:
NAGEGOWDA

DATE OF JUDGMENT: 23/08/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIAK (J)

CITATION:
JT 1996 (7) 659

ACT:

HEADNOTE:

JUDGMENT:
THE 23RD DAY OF AUGUST, 1996

Present:
Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice G.B. Pattanaik
K.R.Nagaraja, Adv. for the appellant
Shanta Kr. and K.K. Gupta, Advs. for the Respondent
O R D E R

The following order of the Court was delivered:
The Special Land Acquisition Officer,
Srirangapatnam
V.
Nagegowda

O R D E R

Leave granted.

We have heard learned counsel on both sides.

Notification under Section 4 [1] of the Land Acquisition Act, 1894 was published on December 26, 1985 acquiring land admeasuring 5 acres 21 gunthas for the purpose of formation of Hemavathi left bank canal. The Land Acquisition Officer awarded compensation on February 23, 1988 @ Rs. 4800/- per acre. On reference, the civil Judge relying upon Ex.P-3 awarded compensation @ Rs. 20000/- per acre. He categorically rejected the contention of the claimant that he was growing sugarcane, hybride jowar and mulberry getting a full yield of Rs. 25000/- acre. On appeal, the High Court by impugned judgment dated August 18, 1994 in FA No. 1311/94 confirmed the same. Thus this appeal by special leave.

Having considered the facts and circumstances in this case, we think that reasonable compensation would be Rs. 10000/- per acre. The judgement referring to Ex. A-3 has been placed before us and it indicates that it related to land with coconut trees. Even the amount awarded by the civil judge in that case is now subject matter in the appeal before the District Judge filed under Section 54 of the Act. Under these circumstances, Ex. A-3 is absolutely irrelevant

for determination of the compensation. Accordingly, the respondent is entitled to enhanced compensation @ Rs. 10000/- per acre with solatium at 30% under Section 23 [2], interest under Section 28 9% for one year from the taking of possession and at 15% thereafter on enhanced compensation till date of deposit into court and additional amount under Section 23 [1-A] at 13% per annum from the date of issue of Section 4 [1] notification till date of the award.

The appeal is accordingly allowed. No costs.

JUDIS