

CASE NO.:
Appeal (civil) 1739 of 2008

PETITIONER:
Special Land Acquisition Officer

RESPONDENT:
Mahadevappa Narayansingh Rajput

DATE OF JUDGMENT: 04/03/2008

BENCH:
C.K. THAKKER & D.K. JAIN

JUDGMENT:
JUDGMENT

O R D E R
(Arising out of SLP(C) No. 17787/2006)
Leave granted.

We have heard learned counsel for the parties.

The present appeal is directed against the judgment and order passed by the High Court of Karnataka on March 28, 2005 in MFA No.1532 of 2001. The High Court while disposing of the appeal observed in the order impugned in the present appeal that it was argued on behalf of the complainant that the property was situated in the heart of Bagalkot township. The value of the area should be assessed at Rs.100/- per sq.ft. The High Court also noted that according to the Government Advocate, reasonable rate would be Rs.16.25 per sq.ft.

After noting the above two contentions of the respective parties, the High Court disposed of the matter by coming to the following conclusion:

"After considering the material and argument, it is just and reasonable that the rate of vacant area per sq.ft. assessed at Rs.50/-. The claimant is entitled to a compensation of Rs.1108250/- with necessary statutory benefits. The compensation awarded

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in respect of the structure is confirmed. Accordingly, the appeal is allowed."(Emphasis supplied)

A bare reading of the above paragraph makes it clear that the High Court has disposed of the appeal on the basis of so called "material" and "arguments" that since the claim of the claimant was Rs.100/- per sq.ft. and the Government's stand was Rs.16.25 per sq.ft., it would be just and reasonable to award at the rate of Rs.50/- per sq.ft to the complainant.

But there is no discussion of the 'material' or 'arguments'

Without observing anything on the merits of the case, the appeal deserves to be allowed only on this ground. The order of the High Court is set aside.

No doubt, the learned counsel for the claimant contented that looking to the material which is on record, it is a fit case to award compensation at the rate of Rs.50/- per sq.ft. But in view of the fact that the High Court has not considered the matter and passed a 'cryptic' order, we remit the matter back to the High Court and request the

High Court to dispose of the case as expeditiously as possible.
The appeal is, accordingly, allowed. No costs.

JUDIS