

PETITIONER:
THE SPL. LAND ACQUISITION OFFICER

Vs.

RESPONDENT:
VIRUPAX SHANKAR NADAGOUDA

DATE OF JUDGMENT: 21/08/1996

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

CITATION:
1996 SCALE (6)288

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

The Land Acquisition Officer awarded compensation Rs.3,500/- per acre for bagayat land and for the rest of the land (jirayat dry) at Rs.960/- per acre. On reference, the civil Judge enhanced the compensation to Rs.10,000/- per acre for bagayat lands in which sugar cane was grown and for the rest of the land he granted at Rs.4000/- per acre. The High Court of Karnataka in the impugned judgment dated September 9, 1988 confirmed the same. Thus these appeals by special leave.

Two contentions have been raised by Shri Veerappa, learned counsel for the appellant. The reference Court had wrongly applied multiplier of 15 years in computing the annual yield. This Court in Land Acquisition Officer vs. P. Veerabhadrappe etc.etc. [(1984) 2 SCR 386] followed in other judgments, had held that 10 years' multiplier would be the proper method of calculation of the compensation.

Accordingly 10 years' multiplier should be applied in determining compensation under Section 23 (1) of the Land Acquisition Act, 1894. He also contended that separate compensation granted the well in the sum Rs.13,000/- is not valid in law. When the owner of the land is getting the water drawn from the well to raise the crops and when he claims compensation for the land on the basis of the yield, he cannot separately claim compensation for the well. Therefore, the reference Court obviously was in error in granting compensation for the well at Rs.13,000/-. It is accordingly set aside. 10 years multiplier should be applied to the annual value of The yield for calculation of compensation under Section 23 (1) of the Act. The reference Court accordingly is directed to recalculate the compensation under these principles and determine compensation and pay over the respondents. If the amount has already been recovered it would be open to the appellant to recover the balance amount.

The appeals are accordingly allowed. No costs.

JUDIS