

A GURLINGAPPA AND ORS.

v.

ASSISTANT COMMISSIONER AND LAND ACQUISITION
OFFICER, GULBARG

B JANUARY 28, 1997

[K. RAMASWAMY, S. SAGHIR AHMAD AND
G.B. PATTANAIK, JJ.]

C *Land Acquisition Act 1894 : Compensation—Award of—Court to consider the relative values of the lands in the neighbourhood, the soil condition and same or similar advantageous features on comparable prices—In the instant case, the compensation awarded is almost equal to the one awarded in respect of lands acquired for the same project and situated in the same village—Hence no interference called for.*

D CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)
No. 2846 of 1997.

From the Judgment and Order dated 8.2.96 of the Karnataka High Court in M.F.A. No. 190 of 1995.

E Mrs. Rajni K. Prasad (T.C. Sharma) (NP) for the Petitioners.

The following Order of the Court was delivered :

Delay condoned.

F Notification under Section 4(1) of the Land Acquisition Act, 1894 was published in October 1977 for construction of Amerja Project. The Land Acquisition Officer in his award under Section 11 awarded compensation @ Rs. 3,000 per acre. On reference, the District Court enhanced the compensation to Rs. 6,300 per acre for dry lands and Rs. 9,820 per acre for Bgayat Lands (cultivable lands). On appeal, the High Court dismissed the same and confirmed the award of the reference Court. Thus, this special leave petition.

G It is contended for the petitioners that in similar circumstances, the Additional Civil Judge has enhanced the compensation to Rs. 12,000 per H acre for the irrigated land and Rs. 8,000 per acre for the dry lands and

confirmed by the judgment of the High Court in RFA Nos. 1160 and 1825/92 and, therefore, the petitioners also are entitled to the same compensation. We find no force in the contention. It is now well settled legal position that in compulsory acquisition, the Court would sit in the arm-chair of a willing purchaser and would ask whether as a reasonable prudent vendee, he would offer in the open market the rate of market value proposed by him in respect of the land under acquisition. The Court requires to consider the relative values of the lands in the neighbourhood, the soil condition and same or similar advantageous features on comparable prices. The High Court has pointed out in its judgment that there is no evidence to show that the lands referred to in those judgments bear any similarity to the lands in question. On the other hand, it is pointed out that for the same project and for the lands situated in the same village another award for a sum of Rs. 6,320 per acre was passed by the Additional Civil Judge and the same has been upheld by the High Court.

Under These circumstances, we do not find any illegality in the determination of the compensation warranting interference.

The special leave petition is accordingly dismissed.

G.N.

Petition dismissed.