

SECRETARY, AGRICULTURAL PRODUCE MARKET  
COMMITTEE, BAILHONGAL

v.

QUASAMI JANAB AJMATALLA SATAMULLA AND ANR.  
(Civil Appeal No. 6235-6236 of 2009)

SEPTEMBER 11, 2009

**[R.V. RAVEENDRAN AND B. SUDERSHAN REDDY, JJ.]**

*Land Acquisition Act, 1894:*

*Compensation – Land Acquisition Officer determined compensation amount – Compensation amount enhanced by the reference court – High Court reduced the amount – Judgment of High Court did not contain any facts or reasons for the decision – On appeal, held: The judgment of High Court was very short and sketchy and showed non-application of mind while deciding the appeal – Matter remitted to High Court for fresh disposal – Judgment/order .*

*Judgment/Order: Reasoned order – Importance of – Discussed.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6235-6236 of 2009.

From the Judgment & Order dated 01.12.2008 of the High Court of Karnataka at Bangalore in MFA No. 7903 of 2007 C/ w MFA No. 2701 of 2007.

G.V. Chandrashekar, N.K. Verma and Anjana Chandrashekar for the Appellants.

The following Order of the Court was delivered

**O R D E R**

1. Leave granted. Heard the learned counsel.

A 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  
 B 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  
 C challenges the said judgment, not being satisfied by the  
 marginal reduction.

D 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  
 D transactions given by the sub-Registrar and the following  
 reasoning :

E "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."

F 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  
 G 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  
 H 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.

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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.

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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

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- A 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.

D.G.

Appeal allowed.