

SPECIAL LAND ACQUISITION OFFICER

V.

CHANDRAMMA (DEAD) BY LRS.

Civil Appeal No. 1006 of 2009

FEBRUARY 13, 2009

**[DR. ARIJIT PASAYAT AND DR. MUKUNDAKAM
SHARMA, JJ.]**

Land Acquisition Act, 1894 :

Land acquisition – Compensation for – Enhanced by reference court – Challenged on the ground that while evaluating value of structures, no basis indicated – Not interfered with by High Court – On appeal, held: Reference court enhanced the compensation making the valuation without taking into consideration the available source – Matter remitted to Reference court to evaluate the property on the basis of the available source for the relevant period.

CIVILAPPELLATE JURISDICTION : Civil Appeal No. 1006 of 2009

WITH

Civil Appeal No. 1007 of 2009

Civil Appeal No. 1008 of 2009

Civil Appeal No. 1009 of 2009

Civil Appeal No. 1010 of 2009

Civil Appeal No. 1011 of 2009

Civil Appeal No. 1012 of 2009

Civil Appeal No. 1013 of 2009

Civil Appeal No. 1014 of 2009

Civil Appeal No. 1015 of 2009

Civil Appeal No. 1016 of 2009

Civil Appeal No. 1017 of 2009

Civil Appeal No. 1018 of 2009

Civil Appeal No. 1019 of 2009

Civil Appeal No. 1020 of 2009

Civil Appeal No. 1021 of 2009

- A Civil Appeal No. 1022 of 2009
Civil Appeal No. 1023 of 2009
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Civil Appeal No. 1025 of 2009
Civil Appeal No. 1026 of 2009
Civil Appeal No. 1027 of 2009
B Civil Appeal No. 1028 of 2009
Civil Appeal No. 1029 of 2009
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Civil Appeal No. 1031 of 2009
Civil Appeal No. 1032 of 2009
C Civil Appeal No. 1033 of 2009
Civil Appeal No. 1034 of 2009
Civil Appeal No. 1035 of 2009

D From the Judgement and Order dated 28.07.2003 of the High Court of Karnataka at Bangalore in Miscellaneous First Appeal No. 3608 of 2002.

Sanjay R. Hedge Vikrant Yadav, Amit Kr. Chawla, A. Rohan Singh, for the Appellant.

Vijay Kumar, Ashok Kumar Sharma, Kiran Suri, for the Respondent.

E The Judgement of the Court was delivered by
DR. ARIJIT PASAYAT, J.

1. Leave granted.

F 2. Challenge in these appeals is to the judgment of a learned Single Judge of the Karnataka High Court dismissing the appeals filed by the appellant under Section 54(1) of the Land Acquisition Act, 1894 (in short the 'Act'). In all these cases the judgment and award passed in the concerned land acquisition case by learned Principal Civil Judge (Senior Division), Gulbarga, was questioned. The Reference Petition
G for enhanced compensation was partly accepted. Before the High Court the stand was that while evaluating the value of the structures no basis was indicated and by roughly exorbitant estimation amount of compensation was fixed. The High Court did not find any substance in the plea and dismissed the appeals.

H 3. Learned counsel for the appellant submitted that though

some amount of guesswork may be involved there has to be a rational basis indicated for fixing the quantum. Therefore, when without any discussion and justifiable data the Reference Court had fixed the amount of compensation in respect of the structures the High Court should have interfered and, therefore, the judgment is clearly unsustainable.

4. Learned counsel for the respondent in each case however submitted that in some cases involving similar dispute the appellant has not filed any appeal and therefore these appeal deserve to be dismissed. Additionally, it is submitted that there was no material before the Reference Court and therefore estimation has to be made.

5. Learned counsel for the appellant has referred to the Schedule of Rates of Gulbarga specifically referring to various items and the units and the rates in respect of particular items described in the Schedule. According to learned counsel for the appellant, the same provides a foundation for making a valuation. The Engineer who was examined had in fact referred to such documents but the Reference Court without any basis or reasons discarded the same.

6. Learned counsel for the respondent in each case however submitted that they may provide for a foundation, but the valuation done by the Reference Court cannot be called to be arbitrary. When data is available from some sources, for example, Schedule of Rates adopted by PWD of a particular survey, that certainly provides a foundation for making the valuation. In the instant case that does not appear to have been noticed. In the circumstances, we set aside the impugned judgments of the High Court and remit the matter to the Reference Court to make the valuation on the basis of Schedule of Rates of PWD, Gulbarga Circle for the relevant period. Since the matter is pending since long, the Reference Court would do well to make the valuation and make fresh award within four months from the receipt of this order. The amount of interest payable would be consequential to the determination of the award.

7. The appeals are allowed to the aforesaid extent.