

A THE SPECIAL LAND ACQUISITION OFFICER, KALINADAI
(HYDRO-ELECTRIC) PROJECT, DANDALI, UTTAR KANNADA
DISTRICT

v.

VASANT GUNDU BALE

B OCTOBER 31, 1995

[K. RAMASWAMY AND B.N. KIRPAL, JJ.]

Land Acquisition Act, 1894 :

C Ss.4(1) and 12—Acquisition of land—Compensation—Computation
of—Multiplier—Order of High Court enhancing compensation by applying
multiplier of 15—Set aside and award of reference Court upheld with solatium
at the rate of 15% and 15% interest on enhanced compensation.

D Certain lands of the respondent-land-owner were acquired under
s.4(1) of Land Acquisition Act, 1894 for Hydro Electric Project. The com-
pensation awarded by the Land Acquisition Officer was enhanced by the
reference Court to Rs. 15,520 per acre. On land owner's further appeal,
the High Court, applying the multiplier of 15 to the rental value of the
E land, enhanced the compensation to Rs. 18,000 per acre. Aggrieved, the
State filed the appeal by special leave.

Allowing the appeal, this Court

F HELD : The uniform rate of multiplier of 10 is being applied for the
lands acquired even in the State of Karnataka. Even acceding the Multi-
plier of 12 the claimant cannot get more than Rs. 14,000 per acre. Since
the State had not filed any appeal against the enhanced compensation, the
amount awarded by the reference Court had become final. Therefore, this
Court cannot interfere with and reduce the compensation less than the
G amount awarded by the Civil Court. [615-G-H, 616-A]

*Special Land Acquisition Officer, Davangree v. P. Veerabhadarappa
and Ors., [1984] 2 SCC 120; referred to.*

H CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3133 of
1982.

From the Judgment and Order dated 22.1.82 of the Karnataka High Court in M.F.A. No. 27 of 1979. A

M. Veerappa and K.H. Nobin Singh for the Appellant.

R.S. Hedge and K.R. Nagaraja for the Respondent. B

The following Order of the Court was delivered :

Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') acquiring an extent of six acres 21 Gunthas of land for Hydro Electric Project was published on August 12, 1975. The Land Acquisition Officer awarded compensation at various rates for wet land, dry land, garden land and phot-kharab land. On reference under section 18, the Civil Court enhanced the compensation at a uniform rate of Rs. 15,520 per acre. On appeal under Section 54, the High Court enhanced the compensation to Rs.18,000 per acre. Dissatisfied therewith, the State Government has filed this appeal by special leave. C D

Sri Veerappa, the learned counsel for the State, has contended that the High Court committed grave error of law in recording a finding that lands were possessed of potential value for building purposes. We find no force in the contention. It is seen that when 7,800 tenaments were constructed in the project area, it would be clear that a township had come into existence. It is an admitted fact that the land under acquisition is about the township. It is also an admitted fact that in Ext. A-12 sanction was obtained on September 13, 1973 for conversion of agricultural lands into urban lands of the layout and sale of plots which could not take place due to the fact that mud was dumped on this land. Consequently, the sanction came to be cancelled by the Assistant Commissioner. Be that as it may, the High Court on the basis of the rental value had determined compensation at the rate of Rs. 1200 per acre applying the multiplier of 15 and arrived at the net income at Rs. 18,000 per acre. It is now settled law that the uniform rate of multiplier of 10 is being applied for the lands acquired even in the State of Karnataka. Even acceding the multiplier of 12 as held by this Court in *Special Land Acquisition Officer, Davangree v. P. Veerabhadarappa and Ors*, [1984] 2 SCC 120, the claimant cannot get more than Rs. 14,000 per acre. Since the State had not filed the appeal against the enhanced compensation under Section 26, of the Act, amount awarded by the Reference Court had become final. Therefore, this Court E F G H

A cannot interfere with and reduce the compensation less than the amount awarded by the Civil Court. The enhanced compensation stands upheld at the rate of Rs. 15,520 per acre with solatium at the rate of 15% and 15% interest on the enhanced compensation.

B The appeal is accordingly allowed but in the circumstances without costs.

R.P.

Appeal allowed.