INDORE DEVELOPMENT AUTHORITY

v.

SMT. SATYABHAMA BAI AND ORS. ETC.

AUGUST 5, 1996

[K. RAMASWAMY AND G. B. PATTANAIK, JJ.]

Land Acquisition Act, 1894 :

S.51-A—Certified copies of sale deeds as evidence—Reference Court and the High Court enhanced compensation with solatium and interest thereon relying upon certified copies of certain sale deeds—Though the documents were marked, none of the vendors or vendees was examined—Held, the sale deeds cannot be relied on to determine the compensation—Reference Court and High Court committed error of law in relying upon untested and unproved sale deeds in determining compensation—Awards of reference court and High Court set aside—Matter remitted to reference court for disposal in accordance with law.

P. Ram Reddy & Ors. **v.** *Land Acquisition Officer, Hyderabad Urban Development Authority, Hyderabad & Ors.*, **[1995] 2 SCC 305, relied on.**

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 10188-89 of 1996 Etc.

From the Judgment and Order dated 31.8.94 of the Madhya Pradesh High Court in F.A. No. 87/90 and 6 of 1991.

A.K. Chitale, Gopal Subramaniam, M.C. Bhandare, Niraj Sharma, R.K. Sanghi, N.M. Sharma, Amit Prabhat, Sudhanshu Atreya, A.P. Dhamija and S.K. Jain, for the appearing parties.

The following Order of the Court was delivered :

Leave granted.

Notification under Section 4(1) of the land Acquisition Act, 1894 was published on January 12, 1979. The possession of the land was taken on August 25, 1980 dispensing with the enquiry under Section 5-A by exercise of the power under Section 17(4). The Land Acquisition Officer granted

A compensation in his award under Section 11 on May 26, 1980 @ Rs. 44,000 per hectare. On reference, the civil Court by its award dated March 28, 1990 enhanced the compensation to Rs. 1.50 per sq. ft. with solatium and interest thereon. The claimants filed the appeals and State filed the cross appeals. The High Court by its judgment and order dated August 31, 1994 relying upon Exs. p-5 to P-8 and the sale deeds marked thereof under
B Section 51-A of the Act, enhanced the compensation to Rs. 3 per sq. ft. Thus, these appeals by special leave.

It is now well settled legal position as laid in the case of *P. Ram Reddy & Ors.* v. *Land Acquisition Officer, Hyderabad Urban Development Authority, Hyderabad and Ors.*, [1995] 2 SCC 305 followed by catena of
C other decisions that filing of the certified copies of the sale deeds and marked thereof under Section 51-A is only to enable the claimants to dispense with the obligation to produce the original sale deed from the owners who are disinclined to part with their valuable title deed during long pendency of the proceedings. However, the claimants are enjoined to
D call as witnesses the vendor or vendee to prove the transactions as genuine in nature and also the extent of consideration paid and relative nature of value of land as required under law. In this case, though the documents, Exs. P-5 to P-8 have been marked, none of the persons connected with the documents has been examined.

E Under these circumstances, the sale deeds cannot be relied on to determine the compensation. The High Court and the Tribunal, therefore, obviously committed grievous error of law in relying upon those untested and unproved sale deeds in determining the compensation. The award of the reference Court and also that of the High Court stands set aside. The matter is
F remitted to the reference Court for disposal in accordance with law.

All the appeals are allowed, but, in the circumstances without costs.

Pursuant to the interim order passed by this Court on April 21, 1995, the respondents in C.A. Nos. 4847-50/95 had furnished the bank guarantee
G to the extent of the half of the enhanced compensation and have withdrawn the same. The order would continue pending disposal of the reference application under Section 18 of the Act and depending upon the award that may be passed, appropriate direction will be given by the reference Court for adjustment of recovery thereof.

R.P. Appeals allowed.