



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4041 OF 2024

SHRIPAL & ANR.

...Appellant(s)

VERSUS

**KARNATAKA NERAVARI
NIGAM LTD. & ANR.**

...Respondent(s)

WITH

CIVIL APPEAL NO. 4042 OF 2024

CIVIL APPEAL NO. 4043 OF 2024

J U D G M E N T

Mehta, J.

1. The appellants herein, who were land losers, have approached this Court by way of these appeals seeking

enhancement of compensation pursuant to acquisition of their lands by the respondents for the purpose of construction of canals under the Hippargi Barrage project.

2. There is no dispute that the lands of the appellants were irrigated lands. The land acquisition notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 12th April, 2007. The Special Land Acquisition Officer(S.L.A.O.) awarded compensation to the tune of Rs.1,31,263/- per acre to the land owners.

3. The land owners preferred a reference and the Reference Court enhanced the compensation by fixing the market value of the land at Rs. 3,00,000/- per acre.

4. Aggrieved by the same, the beneficiaries being respondent-Karnataka Neravari Nigam Ltd. filed M.F.A. No. 100175 of 2014 before the High Court of Karnataka, Dharwad Bench wherein, the appellant-claimants filed cross-objections seeking enhancement of compensation.

5. In the High Court, the cross-objectors i.e. appellants herein contended that in another M.F.A. No. 23768 of 2013, the High Court had awarded compensation by fixing the market value at Rs. 3,69,000/- per acre along with statutory benefits so far as the irrigated lands are concerned.

6. The said matter arose out of an acquisition notification of the years 2004-2005 and the order passed by the High Court has

been confirmed by this Court with dismissal of Special Leave Petition(C) No. 8107 of 2016 filed by the beneficiary.

7. Shri Anand Sanjay M. Nuli, learned senior counsel representing the appellants drew the Court's attention to an order dated 17th April, 2021 passed by the learned Single Judge of the High Court of Karnataka wherein, for the very same project, the land owners had been awarded compensation at the rate of Rs.5,00,000/- per acre in respect of lands which are covered under the notifications issued between 2004-2008. He, thus, urged that the appellants are entitled to the same relief.

8. *Per contra*, Mr. Navin R. Nath, learned senior counsel representing the respondent-beneficiary pointed out that the High Court committed a glaring error in construing the affidavit filed by the respondents in MFA No.101083 of 2016. He urged that in the said matter, the affidavit which was filed pertained to an acquisition of 2009, wherein the Reference Court had determined compensation at the rate of Rs.5,00,000/- per acre.

9. Having given our thoughtful consideration to the submissions advanced at bar and after going through the material available on record, we find that the respondents themselves have agreed to award the market value at the rate of Rs. 3,69,000/- per acre along with statutory benefits for the lands

acquired under the notification of the years 2004-2005.

10. For the market value fixed in the years 2004-2005 at the rate of Rs.3,69,000/- per acre, an escalation of 5 per cent per year has already been applied.

11. For the lands acquired in the year 2009, the market value had been fixed by the Reference Court at Rs. 5,00,000/- per acre and above.

12. The lands of the appellants herein were acquired in the year 2007.

13. In this background, we feel that ends of justice would be met if the market value of the lands acquired from the appellants is fixed at Rs. 4,50,000/- per acre by modifying the order dated 2nd February, 2018 passed by the High Court.

14. Accordingly, we hereby direct that the appellant-claimants shall be entitled to compensation towards the acquired lands at the rate of Rs. 4,50,000/- per acre with all statutory benefits, interest and costs. However, the direction of the High Court to deny interest for the period of delay in filing the cross-objections is sustained.

15. This order is being passed in peculiar facts of the present case and shall not be treated as precedent.

16. The appeals are allowed in the above terms.

17. Pending application(s), if any, shall stand disposed of.

.....J.
(B.R. GAVAI)

.....J.
(SANDEEP MEHTA)

New Delhi;
May 07, 2024