

**NON-REPORTABLE**

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

**CIVIL APPEAL NO. OF 2024  
(Arising out of SLP (C) No. 11573 of 2022)**

**R. MANOHARA MURTHY  
AND OTHERS**

**...APPELLANT(S)**

**VERSUS**

**ASSISTANT COMMISSIONER AND  
LAND ACQUISITION OFFICER**

**...RESPONDENT(S)**

**J U D G M E N T**

**B.R. GAVAI, J**

1. Leave granted.
2. The appeal challenges the judgment and order dated 26<sup>th</sup> July 2021 passed by the learned Single Judge of the High Court of Karnataka at Bengaluru in M.F.A. No. 9993 of 2011 (LAC).
3. The facts in brief leading to the present case are:
  - 3.1 A preliminary notification was issued on 19<sup>th</sup> October 2006 vide which the land admeasuring 14 acres 37 guntas in Survey No. 15 situated at Yarabally village, Hiriyur Taluk,

was notified for expansion of an existing tank. The final notification was issued on 16<sup>th</sup> January 2009.

**3.2** By an award dated 14<sup>th</sup> December 2008, the compensation was determined at the rate of Rs.23,000/- per acre with statutory allowances.

**3.3** Being aggrieved thereby, at the instance of the appellants, the matter was referred to the Reference Court. The Reference court redetermined the market value at the rate of Rs. 35,000/- per acre.

**3.4** Being further aggrieved, the appellants filed a first appeal before the High Court. The High Court allowed the first appeal by redetermining the compensation at the rate of Rs 66,000/- per acre.

**3.5** While redetermining the compensation, the High Court found that in LAC No. 7 of 1996 in which the preliminary notification had been issued on 3<sup>rd</sup> March 1994, the market value had been determined at the rate of Rs.30,000/- per acre.

**3.6** Applying the said amount as the base price and granting 10 per cent escalation for 12 years, i.e. 1994 to

2006, the compensation was redetermined at the rate of Rs.66,000/- per acre.

**3.7** Aggrieved still, the appellants have approached this Court for further enhancement of compensation.

**4.** Learned counsel for the appellants has placed on record a chart depicting the compensation to which he is entitled to. The chart would show that if the base price of Rs.30,000/- is accepted in 1994, the cumulative effect of 10 per cent increase for 12 years would be Rs. 94,153/- per acre.

**5.** Taking into consideration the order passed by the Reference Court dated 25<sup>th</sup> October 2021 for a similar land wherein the compensation awarded was Rs.5,103/- per gunta, the compensation payable for the appellants' land would come to around 2 lakhs per acre. The said award is pertaining to a land in respect of which the preliminary notification was issued on 31<sup>st</sup> January 2013. Even if a gap of six years is taken into consideration from the date on which the preliminary notification in the case of the appellants' land was issued in 2006 and allowing 10 per cent deduction for each year, the amount would come to around Rs.1,40,000/- per acre.

6. However, we do not wish to go into that aspect.
7. Even if we accept the award which was passed in respect of a land which was notified in 1994 and consider the base price at the rate of Rs.30,000/- per acre and grant 10 per cent appreciation for every year cumulatively, the amount would come to around Rs.94,153/- per acre.
8. We are, therefore, inclined to allow the appeal. The appellant would be entitled to compensation at the rate of Rs. 90,000/- per acre along with all statutory benefits.
9. The appeal is allowed in the above terms.
10. Pending application(s), if any, stand(s) disposed of.

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

.....**J.**  
**(K.V. VISWANATHAN)**

**NEW DELHI;**  
**DECEMBER 05, 2024.**