

THE SPECIAL LAND ACQUISITION OFFICER

A

v.

VIRUPAX SHANKAR NADAGOUDA

AUGUST 21, 1996

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

B

*Land Acquisition Act, 1894 : Section 23(1). Land Acquisition—Compensation—Principles for determination of—Reference Court applied multiplier of 15 years in computing the annual yield—Compensation granted for acquisition of land—Separate compensation also awarded for well—Appeal preferred by State—Held the Reference Court erred in granting compensation for the well—Setting aside of the same 10 years multiplier should be applied to the annual value of the yield for calculation of compensation under Section 23(1) of the Act—Reference Court directed to recalculate the compensation.*

C

*Land Acquisition Officer v. P. Veerabhadrappa Etc. Etc., [1984] 2 SCR 386, referred to.*

D

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 703-704 of 1989.

From the Judgment and Order dated 9.9.83 of the Karnataka High Court in M.F.A. Nos. 1385—86 of 1979)

E

M. Veerappa for the Appellant.

The following Order of the Court was delivered :

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The Land Acquisition Officer awarded compensation @ Rs. 3,500 per acre for bagayat land and for the rest of the land (jirayat dry) at Rs. 960 per acre. On reference, the civil Judge enhanced the compensation to Rs. 10,000 per acre for bagayat lands in which sugar cane was grown and for the rest of the land he granted at Rs. 4000 per acre. The High Court of Karnataka in the impugned judgment dated September 9, 1988 confirmed the same. Thus these appeals by special leave.

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Two contentions have been raised by Shri Veerappa, learned counsel for the appellant. The Reference Court had wrongly applied multiplier of 15 years in computing the annual yield. This Court in *Land Acquisition*

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- A *Officer v. P. Veerabhadrapa Etc. Etc.*, [1984] 2 SCR 386 followed in other judgments, had held that 10 years' multiplier would be the proper method of calculation of the compensation.

- B Accordingly 10 years' multiplier should be applied in determining compensation under Section 23 (1) of the land Acquisition Act, 1894. He also contended that separate compensation granted the well in the sum Rs. 13,000 is not valid in law. When the owner of the land is getting the water drawn from the well to raise the crops and when he claims compensation for the land on the basis of the yield, he cannot separately claim compensation for the well. Therefore, the reference Court obviously was in error
- C in granting compensation for the well at Rs. 13,000. It is accordingly set aside. 10 years' multiplier should be applied to the annual value of the yield for calculation of compensation under Section 23(1) of the Act. The reference Court accordingly is directed to recalculate the compensation under these principles and determine the compensation and pay over the same to the respondents. If the amount has already been recovered, it
- D would be open to the appellant to recover the balance amount.

The appeals are accordingly allowed. No costs.

T.N.A.

Appeals allowed.