

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

**CIVIL APPEAL NOS.1722-1726 OF 2024  
(@ SLP(C) Nos.7299-7303/2022)**

**THE COMMISSIONER GULBARGA  
URBAN DEVELOPMENT AUTHORITY**

**APPELLANT(S)**

**VERSUS**

**KASTURIBAI & ORS. ETC.**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NOS. 1727-1729 OF 2024  
(@ SLP(C) Nos.7796-7798/2022 )**

**CIVIL APPEAL NOS.1730-1733 OF 2024  
(@ SLP(C) Nos.7749-7752/2022 )**

**CIVIL APPEAL NO.1754 OF 2024  
(@ SLP(C) No.16813/2022)**

**CIVIL APPEAL NO.1755 OF 2024  
(@ SLP(C) No.16864/2022)**

**CIVIL APPEAL NO.1756 OF 2024  
(@ SLP(C) No.16866/2022)**

**CIVIL APPEAL NO.1759 OF 2024  
(@ SLP(C) No.16807/2022)**

**CIVIL APPEAL NO.1734 OF 2024  
(@ SLP(C) No.16812/2022)**

**CIVIL APPEAL NO.1757 OF 2024  
(@ SLP(C) No.16867/2022)**

**CIVIL APPEAL NO.1758 OF 2024  
(@ SLP(C) No.16791/2022)**

**CIVIL APPEAL NO.1760 OF 2024  
(@ SLP(C) No.16805/2022)**

**O R D E R**

1. Leave granted.
2. As the appeals filed by both the Requisition Authority and the claimants, they are accordingly disposed of by a common order.
3. For the sake of brevity, the appeals filed by the Requisition Officer is taken as such.
4. The case is that 153 acres of land was acquired by issuance of a preliminary notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') dated 26.07.2007 situated at Kotnoor (D) Village, Kalaburgi District. The purpose of acquisition was for formation of residential layout. A declaration under Section 6(1) of the Act was passed on 27.11.2008. The Special Land Acquisition Officer fixed the compensation at Rs.1,98,000/- per acre in the award passed on 23.10.2010.
5. 14 petitions were filed seeking enhancement of compensation before the Reference Court. Vide judgment dated 05.10.2016, 11 claims were disposed of by granting a sum of Rs.62 per sq. ft. corresponding to Rs. 27,00,720/- per acre. The Reference Court placed reliance upon Ex.P-7 and Ex.P-8 dated 30.11.2006 and 09.03.2009 respectively pertaining to the Survey No.68/A and Survey No. 9/7 of Kotnoor Village. The same Survey No.68/A was also the subject matter of the acquisition which we are concerned here. Under Ex. P-7 dated 30.11.2006, the evaluation was fixed at Rs.36.27 per sq. ft. while under Ex.P-8 dated 09.03.2009 which is submitted after the acquisition, it was fixed at Rs. 183.65/- per sq ft. The Reference Court compared

the aforesaid two exemplars though the latter one is pertaining to a sale subsequent to the notification and fixed the valuation at Rs.62 per sq. ft. after making 1/3<sup>rd</sup> deduction. Both the Requisition Authority and claimants have filed these appeals.

6. In the meanwhile, the Reference Court disposed of the remaining three cases out of the 14 cases filed earlier, and fixed the compensation of Rs.276 per sq. ft., by placing reliance upon an earlier judgment passed in LAC No.422/2011, pertaining to the notification dated 03.03.2005. However, in LAC No.422/2011, the subject matter of the land acquired was with respect to Brahmapur which, on perusal of the sketch produced before us would show that it is situated few kilometers away from the acquired land. The High Court by a common judgment fixed the valuation of Rs.195 per sq. ft. by taking into consideration its earlier decision.
7. Learned senior counsel appearing for the appellant - the Authority submitted that both the villages namely, the village Kotnoor, on the one hand, and the villages Sheik Roza and Jafrabad, on the other hand are situated at about 9 kms away or separated by about 9 kms. The purpose of acquisition at Sheik Roza and Jafrabad villages is also different. Those lands were reasonably developed compared to the land in Kotnoor. One acquisition was for the industrial purpose and the present one is for construction of houses.
8. It is also contended that the Reference Court has committed

an error in comparing a sale deed which is subsequent to the notification. The basis of the award ought to have been seen. It is factually incorrect to state that village Kotnoor is situated within the city limits, though it may be true that it is within the planning area.

9. Per contra, learned counsel appearing for the claimants submitted that one has to see the potential value of the lands acquired. There are sufficient evidence to hold that Kotnoor village was fully developed at the relevant point of time. It was surrounded by schools, colleges and hospitals. In fact, Kotnoor village is much more developed than the Sheik Roza or Jafrabad villages. Even if one goes by the market value, it is really very high. What is to be taken note of is the just compensation payable as the compensation fixed by this Court for the Villages of Sheik Roza, Jafrabad and Tajsultanpur for the land acquired in the year 2005, by adding the escalation value and amount higher than the one fixed by the High Court is required to be awarded. In any case, the High Court having considered the materials available on record, there is no need to interfere with the same insofar as the deduction is concerned.
10. Though, we find that the approach of the Reference Court even in the first instance may not be correct by taking into consideration a sale deed executed after the publication of the notification, we would like to rely upon it to the extent of understanding the potential value. Similarly, the valuation

fixed by this Court in C.A. No.7642/2019, gives some indication of the value of the land which we are concerned with. There is no doubt that there is no adequate material to give enhanced compensation as Ex.P-7 pertains to Survey No.68 of Kotnoor (D) village which is also a part of the acquired lands.

11. On a perusal of the impugned order, we find that the High Court has taken note of its personal knowledge which ought not to have been undertaken in the absence of any material available on record.
12. Considering the aforesaid factual scenario, we are constrained to undertake a guess work, as we feel that the claimants are entitled to a reasonable compensation, particularly, in the light of the judgment rendered by this Court in C.A. No.7642/2019, though for a different village. On the facts of the case, we deem it appropriate that the interest of justice would be served if the compensation is fixed at Rs.130 per sq. ft.
13. Accordingly, the appeals filed by the Authority (C.A.Nos.1722-1726/2024, C.A.Nos.1727-1729/2024 & C.A.Nos.1730-1733/2024) are allowed and consequently, the appeals filed by the claimants (C.A. No.1754/2024, C.A.No. 1755/2024, C.A.No. 1756/2024, C.A.No. 1759/2024, C.A.No. 1734/2024, C.A.No. 1757/2024, C.A.No. 1758/2024 & C.A.No.1760/2024) are dismissed.
14. We make it clear that the claimants are entitled

for all statutory benefits, including the interest and interest on solatium. The Authority shall deposit the amount other than the amount already paid within a period of four months. No costs.

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

.....J.  
[M.M. SUNDRESH]

.....J.  
[S.V.N. BHATTI]

NEW DELHI;  
6<sup>th</sup> FEBRUARY, 2024

ITEM NO.5

COURT NO.14

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A****RECORD OF PROCEEDINGS****Petition(s) for Special Leave to Appeal (C) No(s). 7299-7303/2022**

**(Arising out of impugned final judgment and order dated 22-12-2021 in MFA No. 200924/2017, in MFA No.200919/2017, in MFA No. 200920/2017, in MFA No. 200921/2017 & in MFA No. 200922/2017 passed by the High Court of Karnataka at Kalaburagi)**

**THE COMMISSIONER GULBARGA  
URBAN DEVELOPMENT AUTHORITY**

**Petitioner(s)****VERSUS****KASTURIBAI & ORS. ETC.****Respondent(s)**

**(IA No. 116909/2022 - APPLICATION FOR SUBSTITUTION, IA No. 116916/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. IA No. 59623/2022 - EXEMPTION FROM FILING O.T., IA No. 72171/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 116914/2022 - SETTING ASIDE AN ABATEMENT)**

**WITH**

**SLP(C) No. 7796-7798/2022 (IV-A)  
(IA No. 62954/2022 - EXEMPTION FROM FILING O.T., IA No. 184286/2022 - EXTENSION OF TIME)**

**SLP(C) No. 7749-7752/2022 (IV-A)  
(IA No. 129515/2022 - APPLICATION FOR SUBSTITUTION, IA No. 129517/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. IA No. 62370/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 62371/2022 - EXEMPTION FROM FILING O.T., IA No. 129518/2022 - SETTING ASIDE AN ABATEMENT)**

**SLP(C) No. 16813/2022 (IV-A)  
(FOR ADMISSION and I.R. and IA No.129245/2022-CONDONATION OF DELAY IN FILING and IA No.129243/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 16864/2022 (IV-A)  
(FOR ADMISSION and I.R. and IA No.130893/2022-CONDONATION OF DELAY IN FILING and IA No.130898/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.130896/2022-APPLICATION FOR SUBSTITUTION and IA No.130891/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.130897/2022-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)**

**SLP(C) No. 16866/2022 (IV-A)  
(FOR ADMISSION and I.R. and IA No.130496/2022-CONDONATION OF DELAY IN FILING and IA No.130502/2022-EXEMPTION FROM FILING C/C OF THE**

**IMPUGNED JUDGMENT and IA No.130509/2022-APPLICATION FOR SUBSTITUTION and IA No.130498/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.130511/2022-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.130495/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 16807/2022 (IV-A)  
(FOR ADMISSION and I.R. and IA No.130546/2022-CONDONATION OF DELAY IN FILING)**

**SLP(C) No. 16812/2022 (IV-A)  
(IA No.130876/2022-CONDONATION OF DELAY IN FILING and IA No.130875/2022-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)**

**SLP(C) No. 16867/2022 (IV-A)  
(IA No.130472/2022-CONDONATION OF DELAY IN FILING and IA No.130476/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.130477/2022-APPLICATION FOR SUBSTITUTION and IA No.130473/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.130478/2022-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.130470/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**SLP(C) No. 16791/2022 (IV-A)  
(FOR ADMISSION and I.R. and IA No.128521/2022-CONDONATION OF DELAY IN FILING)**

**SLP(C) No. 16805/2022 (IV-A)  
(IA No.130485/2022-CONDONATION OF DELAY IN FILING)**

**Date : 06-02-2024 These matters were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE S.V.N. BHATTI**

**For Parties**                      **Mr. Anand Sanjay M Nuli, Sr. Adv.  
Mr. Suraj Kaushik, Adv.  
Mr. Agam Sharma, Adv.  
Mr. Nanda Kumar, Adv.  
Ms. Akhila Wali, Adv.  
Mr. Shiva Swaroop, Adv.  
Mr. Anand Sanjay M Nuli, Adv.  
Mr. Nanda Kumar K B, Adv.  
For M/S. Nuli & Nuli, AOR**

**Ms. Kiran Suri, Sr. Adv.  
Mr. Tengli Shivakumar Revansiddappa, Adv.  
Mr. S.j. Amith, Adv.  
Ms. Vidushi Garg, Adv.  
Ms. Aishwarya Kumar, Adv.  
Dr. (mrs. ) Vipin Gupta, AOR**



Mr. Nishanth Patil, A.A.G.  
Mr. V. N. Raghupathy, AOR  
Mr. Manendra Pal Gupta, Adv.  
Mr. Ayush P. Shah, Adv.  
Mr. Vignesh Adithiya S, Adv.

Mr. Sharanagouda Patil, Adv.  
Mrs. Supreeta Patil, Adv.  
Mr. Jyotish Pandey, Adv.  
For M/S. S-legal Associates, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay in filing applications for substitution is  
condoned. Abatement is set aside.

Applications for substitution are allowed.

Leave granted.

The appeals filed by the Authority (C.A.Nos.1722-1726/2024, C.A.Nos.1727-1729/2024 & C.A.Nos.1730-1733/2024) are allowed and consequently, the appeals filed by the claimants (C.A.No.1754/2024, C.A.No. 1755/2024, C.A.No. 1756/2024, C.A.No. 1759/2024, C.A.No. 1734/2024, C.A.No. 1757/2024, C.A.No. 1758/2024 & C.A.No.1760/2024) are dismissed in terms of the signed order.

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

(SWETA BALODI)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(Signed order is placed on the file)