

RECORD OF PROCEEDINGS

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Leave granted. Heard learned counsel.

2. The land belonging to appellants were acquired in pursuance of preliminary notification dated 22.2.1994 for a drinking water Project. The Land Acquisition Officer awarded compensation at the rate of Rs.18,000/- (Rupees Eighteen thousand) per acre. The Reference Court award dated 29.9.2004 increased the compensation to Rs.2,60,000/-(Rupees Two lakhs sixty thousand) per acre. The State filed an appeal and the High Court by judgment dated 10.3.2008 dismissed the appeal holding hat Rs.2,60,000/-(Rupees Two lakhs sixty thousand) awarded by the Reference Court did not call for interference.

3. Thereafter, the respondent-Board which is the beneficiary of the acquisition filed an appeal before the High Court contending that it was not made a party either in the proceeding before the Reference Court or before the High Court and therefore, it was not bound by the decision

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of the High Court and the Reference Court. It also contended that compensation awarded was excessive. The High Court allowed the said appeal by the impugned order dated 1.12.2008 on the ground that the respondent not having been made a party, was not bound by the award of the Reference Court fixing the compensation or the judgment of the High Court confirming it. Having done so, the High Court without considering the evidence or without reference to any facts, reduced the compensation from Rs.2,60,000/-(Rupees Two lakhs sixty thousand) to Rs.1,90,000/-(Rupees One lakhs ninety thousand) per acre. We extract below the relevant portion of the impugned order of the High Court:

"4. This court in the case of similarly placed lands acquired for the supply of drinking water has granted compensation at the rate of Rs.1,90,000/- per acre. In that view of the matter, the appeal is partly allowed. The compensation is reduced to Rs.1,90,000/- per acre as against Rs.2,60,000/- awarded by the Reference Court. The claimants are entitled to statutory benefits also."

The Court has also not stated which are the cases which

are similarly placed where compensation at the rate of

Rs.1,90,000/- has been awarded. Therefore, it is not possible to discern the reasoning for reducing the compensation from Rs.2,60,000/- per acre to Rs.1,90,000/- per acre. As the order of the High Court is virtually a non speaking order and cannot be upheld.

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4. The appeal is therefore allowed and the order of the High Court is set aside and the matter is remanded to the High Court for fresh consideration in accordance with law.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI;
MAY 10, 2010

.....J.
[GYAN SUDHA MISRA]