

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11355 OF 2018
(Arising from SLP(C) Nos.28137/2018)

D. ESWARA NAIDU & ORS. ...APPELLANT(S)

VERSUS

THE SPECIAL DEPUTY COLLECTOR (L.A) ...RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).11153-11158 OF 2018
(Arising from SLP(C) Nos.28139-28144/2018)

CIVIL APPEAL NO(S).11159 OF 2018
(Arising from SLP(C) Nos.28146/2018)

CIVIL APPEAL NO(S).11160 OF 2018
(Arising from SLP(C) Nos.28148/2018)

J U D G M E N T

KURIAN, J.

C.A. @ SLP(C) Nos.28137/2017

1. Application for substitution is allowed subject to all just exceptions after condoning the delay and setting aside abatement in filing the substitution application.
2. Permission to special leave petition is granted.
3. Leave granted.
4. Learned senior counsel appearing for the appellants submits that for the trees covered by the very same Notification dated 27.09.1985 under Section 4(1) of the Land Acquisition Act, 1894, the

claimants/similarly situated persons have been awarded compensation @ Rs.4,000/- per lemon tree, as per the very same acquisition of 1985.

5. We permit the appellants to go back to the High Court and seek modification of the impugned judgment.

6. Needless to say that in case similarly situated persons covered by the very same notification have been granted compensation @ Rs.4,000/- per lemon tree, the petitioners herein may not be discriminated on the ground of delay. However, in the event of grant of enhancement, they shall not be entitled for interest for the period of delay.

7. The appeal is, accordingly, disposed of.

**Civil Appeal(s) @ SLP(C) Nos. 28139-28144/2018,
SLP (C) No. 28146/2018 and SLP© No.28148/2018**

1. Leave granted.

2. The issue raised in these appeals pertains to the claim made by the appellants for enhancement of compensation for pomegranate trees, which stood in the land acquired for the purpose of Somashila/Telugu Ganga Project. The notifications in these cases have been issued on different dates between 1990 to 1994. The appellants have been granted compensation at the rate of Rs.2000/- per Pomegranate Tree. We find from Civil Appeal Nos.11404-11405 of 2016 that this Court has

fixed compensation at the rate of Rs.3,000/- per pomegranate tree, as against Rs.2000/- fixed by the High Court, in respect of the acquisition for the same project, for which notification was issued in the year 1994. Having regard to the entire facts and circumstances of the case, we are of the view that it would be just, reasonable and proper to fix the compensation at the rate of Rs.3000/- per Pomegranate Tree. Therefore, these appeals are disposed of with the following directions :-

(i) The appellants shall be entitled to compensation at the rate of Rs.3000/- (Rupees Three thousand) per Pomegranate Tree along with all statutory benefits.

(ii) However, they shall not be entitled to statutory interest for the period of delay in approaching this Court or the High Court.

(iii) The compensation to the claimants shall be made within three months from today.

....., J.
(KURIAN JOSEPH)

....., J.
(DEEPAK GUPTA)

....., J.
(HEMANT GUPTA)

NEW DELHI
NOVEMBER 20, 2018

ITEM NO.21+27

COURT NO.2

SECTION XII-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). 28137/2018

(Arising out of impugned final judgment and order dated 06-09-2017 in COSR No. 46558/2004 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

D. ESWARA NAIDU & ORS.

Petitioner(s)

VERSUS

THE SPECIAL DEPUTY COLLECTOR (LAND ACQUISITION)

Respondent(s)

(IA-137661/2018-APPLICATION FOR SUBSTITUTION
IA-137664/2018-CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLICATION
IA-137667/2018-PERMISSION TO FILE SLPs
IA-137668/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)
WITH

SLP(C) No. 28139-28144/2018 (XII-A)

(IA 145110/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 28146/2018 (XII-A)

SLP(C) No. 28148/2018 (XII-A)

(IA 146418/2018 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

DIARY NO.42690/2018

(I.A. NO.164975/2018-condonation of Delay in filing)

(IA No. 131336/2018 - VACATING STAY)

Date : 20-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Thomas P. Joseph, Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
Mr. Abhijit Sengupta, AOR

For Respondent(s) Ms. Prerna Singh, Adv.
Mr. Guntur Prabhakar, AOR

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

SLP (C)No(s). 28137/2018

Application for substitution is allowed subject to all just exceptions after condoning the delay and setting aside abatement in filing the substitution application.

Permission to special leave petition is granted.

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed judgment.

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

SLP(C) Nos.28139-28144, 28146 & 28148/2018

Leave granted.

The appeals are disposed of in terms of the signed judgment.

In view of the above, pending application(s), if any, shall stand disposed of.

DIARY NO.42690/2018

List the matter on 27th November, 2018 to enable the learned counsel appearing for the respondent to get instructions.

(NEETU KHAJURIA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed judgment is placed on the file.)