

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10044 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 8343 OF 2018]

PATTIPATI VENKATESWARLY NAIDU

Appellant(s)

VERSUS

THE SPECIAL DEPUTY COLLECTOR (L.A.)

Respondent(s)

CIVIL APPEAL NO(S). 10036 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 315 OF 2018]

WITH

CIVIL APPEAL NO(S). 10039 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4590 OF 2018]

WITH

CIVIL APPEAL NO(S). 10042 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 6016 OF 2018]

WITH

CIVIL APPEAL NO(S). 10043 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 6017 OF 2018]

WITH

CIVIL APPEAL NO(S). 10041 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 6013 OF 2018]

WITH

CIVIL APPEAL NO(S). 10040 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 6012 OF 2018]

WITH

CIVIL APPEAL NO(S). 10038 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4593 OF 2018]

WITH

CIVIL APPEAL NO(S). 10037 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 4588 OF 2018]

WITH

CIVIL APPEAL NO(S). 10045 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 10827 OF 2018]

J U D G M E N T

KURIAN, J.

SLP (C) No. 8343 OF 2018

1. Leave granted.
2. The High Court, as per the impugned order, declined to consider the claim made by the appellant(s) for enhancement of compensation on the ground of unexplained delay in approaching the High Court. In cases where the claim is made for enhancement, this Court has taken a consistent view that in case the claimants are denied the statutory benefits for the period covered by delay, a lenient view should be taken while condoning the delay.
3. Having regard to the facts and circumstances of the case, we condone the delay on the part of the appellant(s) in approaching the High Court on the condition that for the period of delay, they shall not be entitled to any statutory benefits in case any enhancement is granted by the High Court on merits.
4. Since we are bereft of other particulars on merits, we remit the matter to the High Court for consideration of the claims made by the appellant(s) on merits. The parties will appear before the High

Court on 01.11.2018. We request the High Court to consider the matter expeditiously since the claim pertains to the acquisition in the year 1990.

In view of the above, the appeal is disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

SLP (C) No. 315 OF 2018, SLP (C) No. 4590 OF 2018,
SLP (C) No. 6016 OF 2018, SLP (C) No. 6017 OF 2018,
SLP (C) No. 6013 OF 2018, SLP (C) No. 6012 OF 2018,
SLP (C) No. 4593 OF 2018, SLP (C) No. 4588 OF 2018
and SLP (C) No. 10827 OF 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 for statutory benefits for the period of delay in approaching this Court or the High Court.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
September 27, 2018.