

## Ramrao Shankar Tapase Vs Maharashtra Industrial Development Corpn. & Others

**Court:** Supreme Court Of India

**Date of Decision:** April 19, 2022

**Acts Referred:** Maharashtra Industrial Development Act, 1961 " Section 32(2), 34  
Land Acquisition Act, 1894 " Section 18

**Citation:** (2022) 7 SCC 563 : (2022) 6 Scale 397

**Hon'ble Judges:** M. R. Shah, J; B.V. Nagarathna, J

**Bench:** Division Bench

**Advocate:** Kush Chaturvedi, Rajat Joseph, Satyajit A. Desai, Satyakam Sharma, Siddharth Gautam, Anagha S. Desai, Shakul R. Ghatole, Jaikriti S. Jadeja, Prapti Allagh, K. Krishna Kumar, Aaditya A. Pande, Chander Shekhar Ashri, Sachin Patil, Gagan Sanghi, Rameshwar Prasad Goyal

**Final Decision:** Partly Allowed

### Judgement

,,,,,,

M.R. Shah, J" ,,,,,,

1. As common questions of law and facts arise in this group of appeals from the same land acquisition proceedings, all these appeals are decided and" ,,,,,,

disposed of by this common judgment.,,,,,,

2. All these appeals arise from the land acquisition proceedings undertaken by the State Government for the Maharashtra Industrial Development ,,,,,,

Corporation (MIDC) (hereinafter referred to as the "Acquiring Body", for extension of industrial estate in village Bhoyar, Taluka and District" ,,,,,,

Yavatmal. The State Government issued a notification on 09.03.1995 under Section 32(2) of the Maharashtra Industrial Development Act, 1961" ,,,,,,

(hereinafter referred to as the "Act" for acquisition of the lands in question pertaining to village Bhoyar. By the said notification, several extents" ,,,,,,

of land located in various survey numbers spread out in the village of Bhoyar, belonging to the original claimants, were acquired. The Special Land" ,,,,,,

Acquisition Officer declared the awards and determined the quantum of compensation payable to the original claimants, particulars of which are given" ,,,,,,

hereinbelow. The original claimants preferred reference applications under Section 34 of the Act, read with Section 18 of the Land Acquisition Act, " ,,,,,,

1894 before the Reference Court seeking enhancement of compensation. The Reference Court enhanced the amount of compensation. Against the,,,,,,,,,

common judgment and award passed by the Reference Court both, the original claimants as well as the acquiring body preferred appeals before the" ,,,,,,,,,

High Court. The original claimants preferred the appeals for enhancement of compensation. By the impugned common judgment and order, the High" ,,,,,,,,,

Court has disposed of all the appeals and cross objections and has partly allowed the appeals preferred by the acquiring body and has reduced the,,,,,,,,,

amount of compensation determined and awarded by the Reference Court as under. Hence, the original claimants have preferred the present appeals." ,,,,,,,,,

3. The factual aspects in case of each claimant and the appeal/s are as under:,,,,,,,,,

Civil Appeal No. 2732/2022 @ SLP (C) No. 23250/2018,,,,,,,,,

The present appeal arises out of the impugned judgment and order passed by the High Court in First Appeal No. 133/2007. Land admeasuring 4.91,,,,,,,,,

Hectares in Survey No. 31/2 in village Bhoyar came to be acquired. The Land Acquisition Officer declared the award dated 27.11.1997 and,,,,,,,,,

determined the compensation at Rs.50,000/- per Hectare for 4.23 Hectares of cultivable land and Rs.1,500/- per Hectare for 0.68 hectare of" ,,,,,,,,,

uncultivable land. Rs.24,400/- was awarded for the well. At the instance of the claimants, a reference was made to the Reference Court, which was" ,,,,,,,,,

numbered as L.A.C. No. 213/1999. The Reference Court enhanced the compensation to Rs. 3,75,000/- per hectare. The acquiring body " MIDC" ,,,,,,,,,

preferred the appeal before the High Court, being First Appeal No. 133/2007. Relying upon and considering the sale deed produced at Ex. 41 dated" ,,,,,,,,,

18.09.1992 with respect to the land bearing Survey No. 20/2 in village Bhoyar itself and considering the potentiality of the acquired land and,,,,,,,,,

considering the time gap between the said notification dated 18.09.1992 and the present notification dated 9.3.1995 and considering the time gap of,,,,,,,,,

approximately three years, adding 10% towards the price rise/escalation and adding further 15% towards the potentiality and the location of the" ,,,,,,,,,

acquired land, the High Court, by the impugned judgment and order, has determined the compensation at Rs.1,50,000/- per hectare. Hence, the original" ,,,,,,,,,

claimant has preferred the present appeal. ....,

Civil Appeal Nos. 2746-2747/2022 @ SLP(C) Nos.6309-6310/2022 @ D.No. 8900/2021,,,,,,,,,

Land admeasuring 2.43 Hectares in Survey No. 33/2 in village Bhoyar came to be acquired. The Land Acquisition Officer declared the award and,,,,,,,,,

determined the compensation at Rs.1,500/- per hectare. The Reference Court enhanced the amount of compensation to Rs.4,00,000/-per hectare. By" ,,,,,,,,,

the impugned judgment and order, the High Court has determined the compensation to Rs.2,00,000/- per hectare. Hence, the original claimants have" ,,,,,,,,,

preferred the present appeals.,,,,,,,

Civil Appeal No. 2745/2022 @ SLP(C) No. 6308/2022 @ D.No.36320/2019.,,,,,,,

Land admeasuring 1.62 hectares in Survey No. 32/1 in village Bhoyar came to be acquired. The Land Acquisition Officer determined and awarded.,,,,,,,

compensation at Rs. 1500/- per hectare. The Reference Court enhanced the amount of compensation to Rs.3,75,000/- per hectare, relying upon the" ,,,,,,,

sale deed of the adjacent village Lohara. The High Court, by the impugned judgment and order, has reduced the amount of compensation and" ,,,,,,,

determined and awarded the compensation at Rs.2,00,000/- per hectare, relying upon the sale deed at Ex. 41 dated 18.09.1992 with respect to the land" ,,,,,,,

situated in village Bhoyar and the claimant has preferred the present appeal.,,,,,,,

Civil Appeal No. 2744/2022 @ SLP(Civil) No. 1793/2019.,,,,,,,

Land admeasuring 4.47 hectares in Survey No. 33/4 in village Bhoyar came to be acquired. The Land Acquisition Officer declared the award and.,,,,,,,

determined the compensation at Rs. 1500/- per hectare. The Reference Court determined and awarded the compensation at Rs.17/-per sq. ft., relying" ,,,,,,,

upon the sale deed produced at Ex. 31 dated 28.11.1994 of village Lohara. By the impugned judgment and order, the High Court in First Appeal No." ,,,,,,,

56/2006 filed by the acquiring body has determined and awarded the amount of compensation at Rs.2,00,000/-per hectare. Hence, the claimant has" ,,,,,,,

preferred the present appeal.,,,,,,,

Civil Appeal Nos. 2733-2734/2022 @ SLP(Civil) Nos.24890-24891/2018.,,,,,,,

Land admeasuring 7.75 hectares in Survey No. 17 in village Bhoyar came to be acquired. The Land Acquisition Officer determined and awarded.,,,,,,,

compensation at Rs. 45,000/- per hectare for 7.24 hectares of cultivable land and Rs. 1500/- per hectare for 0.51 hectare of uncultivable land. The" ,,,,,,,

Reference Court enhanced the amount of compensation to Rs.1,80,000/- per hectare for cultivable land and Rs.90,000/- per hectare for uncultivable" ,,,,,,,

land. By the impugned judgment and order, the High Court has determined and awarded the compensation at Rs.1,50,000/- for cultivable land and" ,,,,,,,

Rs.75,000/- for uncultivable land. Hence, the original claimants have preferred the present appeals." ,,,,,,,

Civil Appeal Nos.2737-2738 of 2022 @ SLP(Civil) Nos.26245-26246/2018.,,,,,,,

Land admeasuring 4.05 hectares in Survey No. 4/3 in village Bhoyar came to be acquired. The Land Acquisition Officer determined and awarded the.,,,,,,,

compensation at Rs.55,000/- per hectare for cultivable land of 3.75 hectares and Rs.1500/- per hectare for 0.30 hectare of uncultivable land. The" ,,,,,,,

reference Court enhanced the compensation to Rs. 2,40,000/- per hectare for the entire land. Both, the land owners as well as the acquiring body" ,,,,,,,

preferred the first appeals before the High Court. By the impugned judgment and order, the High Court has partly allowed the appeal preferred by the" ,,,,,,

acquiring body and consequently dismissed the appeal preferred by the land owners determining the awarding of compensation at Rs.1,80,000/- per" ,,,,,,

hectare. Hence, the original claimants have preferred the present appeals." ,,,,,,

Civil Appeal Nos.2740-2741/2022 @ SLP(Civil) Nos.27140-27141/2018,,,,,,

Land admeasuring 3.40 hectares in Survey No. 2/1 in village Bhoyar came to be acquired by the same notification. The Land Acquisition Officer,,,,,,

awarded Rs. 62,529/- per hectare for 2.75 hectares of cultivable land and Rs.1500/- per hectare for 0.65 hectare of uncultivable land. The Reference" ,,,,,,

Court enhanced the amount of compensation to Rs.2,00,000/- per hectare for cultivable land and Rs.1,00,000/- per hectare for uncultivable land. Both," ,,,,,,

the land owners as well as the acquiring body preferred appeals before the High Court. By the impugned common judgment and order, the High Court" ,,,,,,

has partly allowed the appeal preferred by the acquiring body and consequently dismissed the appeal preferred by the land owners determining and,,,,,,

awarding the compensation at Rs. 1,80,000/- per hectare for cultivable land and Rs.90,000/- per hectare for uncultivable land. Hence, the original" ,,,,,,

claimants have preferred the present appeals.,,,,,,

Civil Appeal No. 2739/2022 @ SLP(Civil) No. 26249/2018,,,,,,

Land admeasuring 8.46 hectares in Survey No. 10/3 in village Bhoyar came to be acquired by the same notification. The Land Acquisition Officer,,,,,,

awarded compensation at Rs. 45,000/- per hectare for 7.29 hectares of cultivable land and Rs.1500/- per hectare for 1.17 hectares of uncultivable" ,,,,,,

land. The Reference Court enhanced the amount of compensation to Rs.1,80,000/- per hectare for cultivable land and Rs.90,000/- per hectare for" ,,,,,,

uncultivable land. The original claimants preferred appeal before the High Court for enhancement of compensation. By the impugned judgment and,,,,,,

order, the High Court has dismissed the said appeal and has maintained the amount of compensation at Rs. 1,80,000/- per hectare for cultivable land" ,,,,,,

and Rs. 90,000/- per hectare for uncultivable land, as awarded by the Reference Court. Hence, the present appeal by the land owners." ,,,,,,

Civil Appeal Nos. 2735-2736/2022 @ SLP(C) Nos.24909-24910/2018,,,,,,

Land admeasuring 2.20 hectares in Survey No. 2/2 in village Bhoyar came to be acquired. The Land Acquisition Officer awarded the compensation at,,,,,,

Rs. 1500/- per hectare. The Reference Court enhanced the amount of compensation at Rs. 2,40,000/- per hectare. Both, the original claimants as well" ,,,,,,

as the acquiring body preferred appeals before the High Court. By the impugned common judgment and order, the High Court has partly allowed the" ,,,,,,

appeal preferred by the acquiring body and has dismissed the appeal preferred by the original claimants determining and awarding compensation at,,,,,,,,,

Rs.1,80,000/- per hectare. Hence, the present appeals by the original claimants." ,,,,,,,,,

Civil Appeal Nos.2742-2743/2022 @ SLP(C) Nos.27888-27889/2018,,,,,,,,,

Land admeasuring 2.02 hectares in Survey No. 17 in village Bhoyar came to be acquired. The Land Acquisition Officer determined and awarded,,,,,,,,,

compensation at Rs. 45,000/- per hectare for 1.92 hectares of cultivable land and Rs.1500/- per hectare for 0.10 hectares of uncultivable land. The" ,,,,,,,,,

Reference Court enhanced the amount of compensation at Rs.1,80,000/- per hectare for cultivable land and Rs.90,000/- per hectare for uncultivable" ,,,,,,,,,

land. Both, the acquiring body and the original claimants preferred appeals before the High Court. By the impugned common judgment and order, the" ,,,,,,,,,

High Court has partly allowed the appeal preferred by the acquiring body and consequently has dismissed the appeal preferred by the original,,,,,,,,,

claimants by determining and awarding the amount of compensation at Rs.1,50,000/-per hectare for cultivable land and Rs.75,000/- per hectare for" ,,,,,,,,,

uncultivable land. Hence, the present appeals at the instance of the original claimants." ,,,,,,,,,

4. Learned counsel appearing on behalf of the respective appellants " original claimants have made the following submissions in support of their,,,,,,,,,

case to enhance the amount of compensation:,,,,,,,,,

i) that the present acquisition is under a Special Act, i.e., the Maharashtra Industrial Development Corporation Act, 1961, whose object and purpose is" ,,,,,,,,,

to establish an Industrial Development Corporation. It is therefore submitted that the land acquired is to be used for commercial purpose;,,,,,,,,,

ii) that the contiguous land of three adjoining villages, vis-Àf -vis, Bhoyar, Pangri and Lohara were acquired by a common notification dated 9.3.1995" ,,,,,,,,,

for extension of industrial area of Maharashtra Industrial Development Corporation, which is a purely commercial/industrial purpose. The aforesaid" ,,,,,,,,,

purpose of acquisition goes to the root of the matter and should have been a guiding/deciding factor in determining compensation under the beneficial,,,,,,,,,

legislation such as Land Acquisition Act. It is submitted that the said overwhelming factor has been completely overlooked by the High Court;,,,,,,,,,

iii) that the land in question is acquired for commercial/industrial purpose bears sufficient testimony to its non-agricultural potentiality and commercial,,,,,,,,,

value. It is submitted that the entire land in question is going to be sold as commercial plots to the prospective industries at a commercial rate, is a" ,,,,,,,,,

factor which is completely ignored by the High Court. Reliance is placed upon the decision of this Court in the case of Atma Singh v. State of,,,,,,,,,

Haryana, (2008) 2 SCC 568 (para 5);" ,,,,,,,,,

iv) that the High Court has committed an error in merely relying upon the sale deed at Ex. 41 in determining the market value. It is submitted that the,,,,,,,,,

sale deed at Ex. 41 solely could not have been relied upon by the High Court for the following reasons:,,,,,,,,,

(a) That the sale deed at Ex. 41 is in respect of purely agricultural land whereas the acquisition in the instant case is purely for commercial/industrial,,,,,,,,,

purpose;,,,,,,,,,

(b) That judicial notice can be taken of the fact that the sale consideration mentioned in the sale deeds are always undervalued to save the stamp duty,,,,,,,,,

and registration charges;,,,,,,,,,

(c) That the sale deed at Ex. 41 is almost three years prior to the present acquisition and does not reflect the commercial/industrial market value of the,,,,,,,,,

land and is certainly not the sale consideration for which a willing seller would part his property which is a commercial/industrial value.,,,,,,,,,

v) that the land owners of village Lohara were awarded compensation at Rs. 3,75,000/- per hectare. As by way of common notification, the",,,,,,,,,

contiguous land of three villages without any boundaries, i.e., Bhoyar, Pangri and Lohara were acquired for a common purpose, i.e., for extension of",,,,,,,,,

industrial area, the High Court has committed a grave error in determining and awarding a meagre compensation to the extent of Rs. 1,50,000/- per",,,,,,,,,

hectare. It is submitted that the approach of the High Court in classifying the land into different categories is clearly contrary to the law laid down by,,,,,,,,,

this Court in the case of Sabhia Mohammed Yusuf Abdul Hamid Mulla (D) By Lrs. v. Special Land Acquisition Officer, (2012) 7 SCC 595 (para 22);",,,,,,,,,

vi) that the landowners in question whose land is acquired for common purpose by common notification should be uniformly compensated at the same,,,,,,,,,

rate and should not be discriminated. Reliance is placed on the decision of this Court in the case of Land Acquisition Officer Revenue Divisional,,,,,,,,,

Officer v. L. Kamalamma (D) By Lrs., (1998) 2 SCC 385 (para 7).",,,,,,,,,

vii) that the land in question is having a non-agricultural potentiality which can be judged considering the fact that it was at a distance of 6-7 kilometers,,,,,,,,,

from the district place of Yavatmal; it is adjacent to the wall of the MIDC area; rate at the relevant point of time for non-agricultural land was around,,,,,,,,,

Rs. 20-25/- per sq. ft.; and it is perennially irrigated land.,",,,,,,,,,

viii) it is further submitted by the learned counsel appearing on behalf of the original claimants that in case of some of the claimants, the lands were",,,,,,,,,

Sr.

No

.", Owner, "Civil Appeal

No." ; "Survey

No.", "Are a

(H)", "First Appeal

No.", "Compensati on

awarded by the

High Court",

1., "Shaila Kailash

Chandra Chaudhari

& ors [Kailashchand

had purchased the

acquired land by sale

deed dated

01.04.1989 for Rs.

55,000/-", 2744/22, 33/4, 4.47, 56/2006, "Rs. 2,00,000/-

per hectare",

2., Sindhubai Prajapati, 2745/22, 32/1, 1.62, 489/2017, "Rs. 2,00,000/-

per hectare",

3., "Leelabai Langote

(D) through Lrs.", "2746-

47/2022", 33/2, 2.43, "124/07 &

591/2006", "Rs. 2,00,000/

- per hectare",

4., "Lalita Suraswar &

Umashankar

Gautam", "2740-

2741/2022", 2/1, 3.40, "1254/2009 &

7/2013", "Rs. 1,80,000/

- per hectare for

cultivable land

Rs. 90,000/-

per hectare for

uncultivable land",

5., "Dinesh Boara &

Another", "2735-

2736/2022", 2/2, "2.2

0", "216/2011

& 276/2011", "Rs.1,80,000/

- per hectare",

6., "Chandrashekhar

Mor", "2737-

2738/2022", 4/3, "4.0

5", "215/2011

& 276/2011", "Rs.1,80,000/

- per hectare",

7., Ramrao Tapase, 2732/2022, 31/2, "4.9

1", 133/2007, "Rs.1,50,000/

- per hectare",

8., Jagannath Zinge, "2742-

2743/2022", 17, "2.0

2", "1234/2009 &

430/2018", "Rs.1,50,000/

- per hectare for

cultivable land

Rs.75,000/-

per hectare for

uncultivable land",

9., "Madhao Lagad (D)

by Lrs.", "2733-

2734/2022", 17, "9.5

0", "1248/2009 &

431/2018", "Rs.1,50,000/

- per hectare for

cultivable land

Rs.75,000/-

per hectare for



uncultivable land",

10., "Umashankar

Gautam", 2739/2022, 10/3, "8.4

6", 1255/2009, "Appeal dismissed

without reducing

compensation at

Rs. 1,80,000/

- per hectare for

cultivable land,

Rs. 90,000/- for

uncultivable land",

Sr.

No.", Owner, "Civil

Appeal

No.", "Survey

No.", "Area

(H)", "First

Appeal No.", "Compensation

awarded by the

High Court", "Compensation

awarded by

this Court

1., "Shaila Kailash

Chandra

Chaudhari & ors

[Kailashchand had

purchased the

acquired land by

sale deed dated

01.04.1989 for Rs.

55,000/-", 2744/22, 33/4, 4.47, 56/2006, "Rs. 2,00,000/-

per hectare", "Rs. 2,25,000/ -

per hectare

2., "Sindhubai

Prajapati", 2745/22, 32/1, 1.62, 489/2017, "Rs. 2,00,000/-

per hectare", "Rs. 2,25,000/ -

per hectare

3., "Leelabai Langote

(D) through Lrs. ", 33/2, 2.43, "124/07 &

591/2006", "Rs. 2,00,000/-

per hectare", "Rs. 2,25,000/ -

per hectare

4., "Lalita Suraswar &

Umashankar

Gautam", "2740-

2741/2022", 2/1, 3.40, "1254/2009

& 7/2013", "Rs. 1,80,000/-

per hectare for

cultivable land

Rs. 90,000/- per

hectare for

uncultivable land", "Rs. 2,00,000/ -

per hectare for

cultivable land

Rs. 1,00,000/ -

per hectare for

uncultivable

land

5., "Dinesh Boara &

Another", "2735-

2736/2022", 2/2, 2.20, "216/2011 &

276/2011", "Rs. 1,80,000/-

per hectare", "Rs. 2,00,000/ -

per hectare

6., "Chandrashekhar

Mor", "2737-

2738/2022", 4/3, 4.05, "215/2011 &

602/2012", "Rs.1,80,000/-

per hectare", "Rs.2,00,000/ -

per hectare

7., Ramrao Tapase, "2732/2

022", 31/2, 4.91, 133/2007, "Rs.1,50,000/-

per hectare", "Rs.1,75,000/ -

per hectare

8., Jagannath Zinge, "2742-

2743/2

022", 17, 2.02, "1234/2009

& 430/2018", "Rs.1,50,000/-

per hectare for

cultivable land

Rs.75,000/- per

hectare for

uncultivable land", "Rs.1,75,000/ -

per hectare for

cultivable land

Rs.87,500/-

per hectare for

uncultivable

land

9., "Madhao Lagad

(D) by Lrs.", 2734/2022,, 9.50, "1248/2009

& 431/2018", "Rs.1,50,000/-

per hectare for

cultivable land

Rs.75,000/- per

hectare for

uncultivable land", "Rs.1,75,000/-

per hectare for

cultivable land

Rs.87,500/-

per hectare for

uncultivable

land

10., "Umashankar

Gautam", 2739/2022, 10/3, 8.46, 1255/2009, "Appeal

dismissed

without reducing

compensation at

Rs.1,80,000/-

per hectare for

cultivable land,

Rs. 90,000/- for

uncultivable land", "Rs.2,00,000/-

per hectare for

cultivable land

Rs.1,00,000/-

per hectare for

uncultivable

land