

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO(S). 1608 OF 2018
[ARISING OUT OF SPECIAL LEAVE PETITION
(CIVIL) NO.27078 OF 2015]**

**SRI SARATHI STUDIOS (PVT.)
LTD. APPELLANT(S)**

VERSUS

**SPL. DEPUTY COLLECTOR
& ANR. RESPONDENT(S)**

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The challenge in the present appeal is to an order of the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh dated 17th April, 2015 by which compensation for land acquisition has been determined by the High Court at the rate of Rs.400/- per square yard. The High Court by the

impugned order, however, has lowered the percentage of deduction towards development from one-third (1/3rd) to one-fourth (1/4th) of the land acquired. To be specific, the area that stands reduced in terms of the above reduction of the percentage of deduction is 2612 square yards.

4. The appellant relied on two sale deeds of the year 1988 to claim compensation at the rate of Rs.2,000/- per square yard. The acquisition notification in the present case was of the year 1989. The High Court for the reasons indicated, namely, the location of the lands covered by the sale deeds, refused to accept the same. As the aforesaid determination of the High Court with regard to location of the land is a pure finding of fact we are not inclined to go into the said issue.

5. However, the land owner(s) claimed compensation alternatively on the basis of Exhibit B-3 by which the circle rate for the land in the area in question is Rs.725/- per square yard.

6. Notwithstanding the aforesaid document being before the High Court the High Court brushed aside the same on the ground that the value shown in the sale deeds Exhibit B2 and Exhibit B3 would be determinative and the circle rate would not be relevant. This is the basis on which the compensation was determined at Rs.400/- per square yard.

7. if the circle rate prescribed by the Government is at Rs.725/- per square yard and no transaction of sale can be registered at a lower rate we do not see how the circle rate would be irrelevant for determination of the value of the land for

the purposes of compensation. Mention of any particular price, which is less than the circle rate, as the sale consideration in a sale deed would be of no use so far as registration of the sale deed is concerned. Therefore, the circle rate of the land cannot be ignored. As the High Court has ignored the circle rate we are of the view that determination of compensation at the rate of Rs.400/- per square yard by the High Court is incorrect.

8. We, accordingly, interfere with the aforesaid part of the order of the High Court and determine the compensation payable to the appellant at the rate of Rs.725/- per square yard. The appellant would be entitled to compensation at the said rate (i.e. Rs.725/- per square yard) along with all statutory benefits including interest etc. which will be paid to it forthwith and without any delay.

9. The appeal is disposed of in the above terms and the order of the High Court is set aside.

....., J.
(RANJAN GOGOI)

....., J.
(R. BANUMATHI)

NEW DELHI
FEBRUARY 06, 2018

ITEM NO.13

COURT NO.3

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). 27078/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 17-04-2015
IN CCCA NO. 124/2002 PASSED BY THE HIGH COURT OF JUDICATURE AT
HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH)

SRI SARATHI STUDIOS (PVT.) LTD.

PETITIONER(S)

VERSUS

SPECIAL DEPUTY COLLECTOR
LAND ACQUISITION OFFICER
(L.A.) GENERAL, HYDERABAD & ANR.

RESPONDENT(S)

Date : 06-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. B. Adi Narayana Rao, Sr. Adv.
Mr. Venkateswara Rao Anumolu, AOR
Mr. Prabhakar Parnam, Adv.

For Respondent(s)

Mr. V.V.S. Rao, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
for M/S. Venkat Palwai Law Associates, AOR

Mr. J.S. Attri, Sr. Adv.
Mr. Pradeep Kumar Mathur, AOR
Mr. Chandra Nand Jha, Adv.

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

Leave granted.

**The appeal is disposed of in terms of the signed
order.**

[VINOD LAKHINA]

AR-cum-PS

[TAPAN KUMAR CHAKRABORTY]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]