

ITEM NO.9 Court 5 (Video Conferencing)

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).20615/2020

(Arising out of impugned final judgment and order dated 20-07-2016 in MSA No. 100040/2015 passed by the High Court of Karnataka Circuit Bench at Dharwad)

MAHANTESH

Petitioner(s)

VERSUS

KARNATKA NEERAVARI NIGAM LTD. & ANR.

Respondent(s)

(WITH IA No.117814/2020-CONDONATION OF DELAY IN FILING and IA
No.117816/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 20619/2020 (IV-A)

(WITH IA No.121034/2020-CONDONATION OF DELAY IN FILING and IA
No.121037/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 20621/2020 (IV-A)

(WITH IA No.120506/2020-CONDONATION OF DELAY IN FILING and IA
No.120508/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 20640/2020 (IV-A)

(WITH IA No.117825/2020-CONDONATION OF DELAY IN FILING and IA
No.117828/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 13990/2020 (IV-A)

Diary No(s). 20654/2020 (IV-A)

Diary No(s). 20655/2020 (IV-A)

(WITH IA No.118052/2020-CONDONATION OF DELAY IN FILING and IA
No.118053/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 20656/2020 (IV-A)

(WITH IA No.120570/2020-CONDONATION OF DELAY IN FILING and IA
No.120572/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 20659/2020 (IV-A)

(WITH IA No.119411/2020-CONDONATION OF DELAY IN FILING and IA

No.119414/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**Diary No(s). 20660/2020 (IV-A)
(WITH IA No.118506/2020-CONDONATION OF DELAY IN FILING and IA No.118508/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Diary No(s). 20664/2020 (IV-A)
(WITH IA No.117827/2020-CONDONATION OF DELAY IN FILING and IA No.117829/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

Diary No(s). 20685/2020 (IV-A)

Date : 04-01-2021 These petitions were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA**

**For Petitioner(s) Mr. Arjun Krishnan, AOR
Mr. Ankur Singh, Adv.
Mr. Shourya Bari, Adv.**

For Respondent(s)

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

- 1 Mr Arjun Krishnan, learned counsel appearing on behalf of the petitioners, submits that though there is a delay of 1436 days in filing the Special Leave Petitions, the delay has been satisfactorily explained on the following grounds:
 - (i) All the petitioners are agriculturists to whom payment of compensation as awarded by the High Court for the acquisition of their lands under the Land Acquisition Act, 1894 has not been made even as of date; and
 - (ii) Special Leave Petition (Civil) Nos 7106-7109 of 2015, which were filed before this Court, arising out of MFA 21438 of 2012, were dismissed only on 17 February 2017 and the review petition before the High Court was

dismissed on 28 November 2018.

- 2 On merits, it has been submitted that in MFA No 20633 of 2013, the High Court, by its judgment dated 26 August 2016, enhanced the compensation to Rs 5,08,000 per acre, in respect of lands situated in the same village and covered by the same notification. Moreover, it has been submitted, based on the judgment of this Court in **Chanabasappa v Karnataka Neeravari Nigam Ltd¹**, that where possession of land which is sought to be acquired has been taken prior to the issuance of a notification under Section 4(1) of the Land Acquisition Act 1894 the date of the notification should be taken for the computation of interest under Section 34. In the present case, it is submitted that the waters of the dam had entered the lands in question even before the Section 4 notification was issued and hence, interest should have been awarded under Section 34 from the date of that notification and not from the date of the award.
- 3 Issue notice on the applications for condonation of delay in filing the Special Leave Petitions and on the Special Leave Petitions, returnable in sixteen weeks. The counter affidavit shall be filed within 8 weeks from the date of service.

SLP(C) No 13990 of 2020

De - tagged. List the Special Leave Petition after four weeks.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER