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SUPREME COURT CASES

1995 Supp (1) SCC

thereby becomes, on its account, unworkable. In normal acquisition, the principle of depletion of rupee value has repeatedly been held to be not relevant to determine market value. The contention, therefore, is rejected.

58. It is next contended that the Act and the related provisions provided different modes of compensation than the one provided in sub-section (4)¹ of Section 69-A of the Code and that, therefore, it is discriminatory, violating Article 14 and unfair procedure offending Article 21. We find no substance in this contention. It is true that different Acts provide different principles to determine the amount payable to the deprived owner. The principle of average of three years net annual income received from production of the mines and minerals preceding the date of the vesting is a relevant and germane principle to fix the amount payable to the owner. Comparative evaluation of different principles evolved by each statute may appear to be different and prima facie to be discriminatory from each other, but comparative analogy would not furnish satisfactory test to declare a national principle determined by the statute to be discriminatory. It is seen that the principle bears just relation to the object of determining the amount or compensation payable to the owner and the principle of average of three years net annual income is a reasonable classification having relation to the object of modification of the existing rights and extinguishment thereof. Section 69-A(4) of the Code is, therefore, valid. So it is unassailable under Article 14. The principle of unfairness of the procedure attracting Article 21 does not apply to the acquisition or deprivation of property under Article 300-A giving effect to the directive principles. We are not concerned in these appeals of the effect of mining and mineral lease or leases granted by the appellants to third parties, since that question was neither canvassed in the High Court, nor any factual foundation laid before us. We decline to go into that question. For well over twelve years the appellants worked the mines etc. by obtaining stay of operation of law and had appropriated the mines or minerals or quarries from the respective lands.

59. The appeals are accordingly dismissed with quantified costs at Rs 1,00,000 in each set. Compensation or amount payable under Section 69-A(4) of the Code may be worked out and the costs be set off in working out the amount and the balance, if any, be recovered from the appellants. This exercise should be done within three months from the date of the receipt of the judgment. Working the mines etc. should be stopped forthwith by either the appellant, their lessees, or anybody in the feigned camouflaged or coloured shoes. The State should take immediate action in this behalf.

1995 Supp (1) Supreme Court Cases 632

(BEFORE M.N. VENKATACHALIAH, C.J. AND S.C. AGRAWAL, J.)

(Records of Proceedings)

VOICE (CONSUMER CARE) COUNCIL

.. Petitioner;

Versus

STATE OF T.N. (I)

.. Respondent.

VOICE (CONSUMER CARE) COUNCIL v. STATE OF T.N. (II)

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SLP (Civil) No. 13526 of 1993[†], decided on August 24, 1993

a Constitution of India — Arts. 16(4) & (1), 15(4), 14, 32 and 340 — Reservation for backward classes of citizens in services of the State — Maximum permissible reservation limit indicated in *Indra Sawhney* judgment — Whether to operate prospectively for future academic years only after completion of the exercise indicated in the judgment — High Court's affirmative view, held, *prima facie* not correct — Interim order of stay of reservations in excess of 50% issued pending notice on the SLP and stay application

Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217, considered

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R-M/14196/S

Advocates who appeared in this case :

K.V. Vishwanathan and K.V. Mohan, Advocates, for the Petitioner.

ORDER

1. Upon motion the matter is taken on Board.

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2. The view of the High Court is that the limit on the maximum permissible reservations indicated by this Court in *Indra Sawhney v. Union of India*¹ would operate prospectively only after the exercise indicated in the judgment is completed and that the maximum limit of reservations will operate only prospectively for future academic years and not for the current year. We are afraid, this view is *prima facie* not correct.

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3. Issue notice on the SLP as well as on stay application. Pending notice, there shall be interim stay of reservations in excess of 50 per cent.

Court Masters

1995 Supp (1) Supreme Court Cases 633

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(BEFORE B.P. JEEVAN REDDY AND S.P. BHARUCHA, JJ.)

VOICE (CONSUMER CARE) COUNCIL
AND OTHERS

.. Petitioners;

Versus

f

STATE OF T.N. (II) AND OTHERS

.. Respondents.

SLP (C) No. 13526 of 1993 with Contempt Petition No. 373 of
1993 in SLP No. 13526 of 1993 and SLP (C) Nos. 16534-40
and 15241-42 of 1993, decided on November 5, 1993

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Constitution of India — Arts. 32, 21 & 14 — Capitation fee case — Scheme framed by Supreme Court — Admission to Govt. medical and engineering colleges — Pending further orders on the contempt petition Govt. directed to create 6% and 7% additional seats in Govt. medical colleges and Govt. engineering colleges

[†] From the Judgment and Order dated 26-7-1993 of the High Court of Madras in Writ Petition No. 10016 of 1993

¹ 1992 Supp (3) SCC 217 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385

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