

Ambalal Mansukhram Joshi

Vs

The Additional Special Land Acquisition Officer, Ahmedabad and Another

Civil Appeal No. 608 of 1967

(K. S. Hegde, P. Jagmohan Reddy, K. K. Mathew JJ)

20.01.1972

JUDGMENT

HEGDE, J. -

1. This is an appeal by certificate. Apart from technicalities of law, on merits, the claim of the appellant appears to be a preposterous one. The Appellant was the owner of final plot Nos. 9 and 42 in the city of Ahmedabad. He had granted the same on permanent lease to certain company in the year 1905. Under the lease deed, he was entitled to a rent of Rs. 150/- in respect of final plot No. 9 and Rs. 131/- in respect of final plot No. 42.
2. These plots were notified for acquisition under Section 4 of the Land Acquisition Act in the years 1952 and 1953 by two different Notifications. Thereafter, they were duly notified under Section 6 and taken possession in due course.
3. The lessee of the plot settled his claim with the Government by private agreement. Therefore, only the compensation payable by the appellant had to be determined. Before the Land Acquisition Officer, the appellant claimed compensation for plot No. 9 at the rate of Rs. 25 per sq. yard and for plot No. 42 at the rate of Rs. 20/- per sq. yard. The Land Acquisition Officer valued the first plot at Rs. 11/- sq. yard and the second plot at Rs. 8/- per sq. yard. On a reference to the Land Acquisition Judge, the compensation payable in respect of the land acquired were enhanced to Rs. 12/- per sq. yard in respect of plot No. 9 and Rs. 9/- per sq. yard in respect of plot No. 42. Under Section 30 of the and Acquisition Act the learned judge apportioned the compensation between the lessee and the lesser at the ratio of 3 : 1. On appeal at the instance of the Appellant, the compensation in respect of plot No. 9 was enhanced to Rs. 14/- per sq. yard and in respect of plot No. 42 to Rs. 9/- per sq. yard. In the result, the appellant got over Rs. 45,000/- as compensation in respect of his rights for which he was getting annually a sum of Rs. 381/-. The value of his right to reversion - a remote one - is little or nothing. Even if we calculate the interest on the compensation amount at 6% per annum, the appellant is now getting over Rs. 2,700/- per year in the place of Rs. 381/- which he was getting previously. A greater windfall can hardly be expected. Yet the appellant is not satisfied with what he has got. He is insisting that we should grant the real value of the land and give him his 1/4 share thereof.
4. We have been taken through the relevant portions of the Judgment of the High Court. We have not found any reason to differ from the conclusions reached by that Court in respect of the valuation made. It had properly assessed the evidence before it. On the facts of this case, there is no justification for re-examining the evidence in a detailed manner when we are fully satisfied that the appellant had been paid more than six times the real value of its rights.

5. In the result, this appeal fails and the same is dismissed with costs.

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