

Shri Hemendra Prasad Baruah

Vs

The Collector of Sibsagar, Assam

Civil Appeal No. 1264 of 1969

(CJI A. N. Ray, K. K. Mathew, V. R. Krishna Iyer, A. Alagiriswami, M. H. Beg, N. L. Untawalia JJ)

22.07.1975

JUDGMENT

KRISHNA IYER, J. –

1. The concurrent conclusions of fact reached by both the courts below regarding the quantum of compensation payable to the appellant on the acquisition of his land for a public purpose by the State are assailed by Shri D. Mukherjee before us on the ground that the amount is grossly inadequate. Having heard him in the light of the High Courts, reasonings, we are persuaded to affirm the finding.

2. 100 bighas of land belonging to the appellant (a tea planter) were first requisitioned by Government to settle landless people and the owner 'gladly' agreed to surrender the area which, on his own showing, was lying unused. Later, the State proceeded to acquire the land under Section 7(1A) of the Assam Land (Requisition and Acquisition) Act, 1948 (Assam Act XXV of 1948). The sole dispute turns on whether the lesser scale of compensation 7(1) is attracted to the situation. The simple statutory test that settles the issue is to find out whether the land acquired is lying fallow or uncultivated. If it is, a small compensation alone is awardable, as laid down in Section 7(1A) of the Act. On the other hand, if it is tea garden the quantum is as under Section 23 of the Land Acquisition Act, 1894. The decisive factor lends itself to easy decision, because a plethora of evidence, to most of which the appellant is a party, proceeds on the basis that the land in question is fallow. The High Court has collected and considered the prior statements and other materials leading to the reasonable holding that Section 7(1A) appropriately applied to this case. It follows that the appeal has no merit and deserves to be dismissed.

3. We order both parties to bear their respective costs. Subject to this direction, the appeal is dismissed.

</html