

Gopal Das

Vs

Collector of Varanasi

Civil Appeal No. 1613 of 1968

(H.R. Khanna, N.L. Untwalia, Jaswant Singh JJ)

21.09.1976

JUDGMENT

KHANNA, J. -

1. This is an appeal on certificate against the judgment of the Allahabad High Court whereby the High Court in a land acquisition case enhanced the amount of compensation payable to the appellant from Rs. 19,906/8/- to Rs. 45,000, besides solatium and interest.

2. According to the appellant, he purchased land measuring 2.58 acres, situated in Varanasi city for Rs. 45,000 as per sale deed, Ex. 22 dated March 11, 1945. Notification under Section 4 of the Land Acquisition Act for acquiring the land in question for Kashi Vidyapith was issued on June 17, 1947. The Collector as per his award dated November 7, 1949 determined the amount of compensation payable to the appellant to be Rs. 19,906/8 annas. On reference made to the District Judge, the learned District Judge agreed with the Collector regarding the amount of compensation payable to the appellant for the land in question. The appellant then went up in appeal to the High Court against the award of the District Judge. The High Court in appeal, as already mentioned, enhanced the amount of compensation to Rs. 45,000 besides solatium of 15 per cent and interest at the rate of six per cent per annum.

3. We have heard Mr. Maheshwari on behalf of the appellant and find no cogent ground to interfere with the judgment of the High Court. The High Court held the purchase of land in dispute by the appellant as per sale deed dated March 11, 1945 to be genuine, and awarded compensation in accordance with that sale deed. No cogent material was brought on record to show that there had been any increase in the value of the land subsequent to its purchase by the appellant on March 11, 1945 till the date of notification under Section 4 of the Land Acquisition Act on June 17, 1947. The High Court in the circumstances was justified in not awarding compensation in excess of Rs. 45,000. No infirmity has been brought to our notice in the judgment of the High Court as might induce us to interfere with the finding recorded by the High Court regarding the amount of compensation payable to the appellant. The appeal, therefore, fails and is dismissed. As no one has appeared on behalf of the respondent, we make no order as to costs.

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