

Smt. Vidyawati and Others

Vs

Collector of Agra and Others

Civil Appeal No. 1077 of 1978

(V. R. Krishna Iyer, D. A. Desai, A.D. Koshal JJ)

05.12.1978

JUDGMENT

KRISHNA IYER, J. -

1. The only point in this appeal which relates to compensation for land acquisition is as to whether the entire amount refixed by way of enhancement by the High Court should go to the landlady appellant only, or should be shared between her and the tenants such as have proved their claims before the Land Acquisition Officer. (The Wakf Board does not come into the picture as its appeal has been dismissed.)
2. The brief facts are that the Land Acquisition Officer fixed compensation at a certain rate for the land acquired but he also apportioned the amount of compensation between the landlady, the owner, and the tenants on the land. Thereafter a reference under Section 18 of the Land Acquisition Act led to an increase in the rate of compensation. But the learned District Judge made a further direction that the entire compensation so raised would be paid to the landlady forgetting the fact that the tenants who had been recognised also had been found entitled to a share.
3. The Collector filed an appeal to the High Court asking for the deletion of this direction for the payment of the entire sum to the landlady. The High Court, while enhancing the compensation substantially in favour of the land owner, deleted the direction made by the district court to the effect that the entire compensation shall be paid over to the landlady. We think this was done very rightly. There is no doubt that apportionment does not come into the picture in a reference under Section 18. Factually, there is no doubt that there are some tenants on the land. In this view, the direction given by the High Court that the entire amount shall not be payable to the landlady and that the direction given by the district court to that effect shall be deleted was just and legal.
4. To do final justice in terms of the law and in the circumstances of this case, we direct that the Collector shall pay to the land owner only the share that is due to her out of the total compensation and shall further proceed to determine the share due to the tenants such as were on the land on the date of the notification, and pay to them their share of the compensation in accordance with what is due to them. With these directions, the appeal is dismissed with no order as to costs.

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