

Collector, Cuttack and Orissa Industrial Infrastructure Development Corporation

Vs

Paramananda Rout and Others

Civil Appeal Nos. 933-37 and 954 of 1991

(CJI Ranganath Misra, M. N. Venkatachaliah, A. M. Ahmadi JJ)

20.02.1991

ORDER

1. Leave granted in all the five special leave petitions - one by the Collector of Cuttack and the other four by the Orissa Industrial Infrastructure Development Corporation after condonation of delay on payment of cost of Rs. 2000 (Rupees Two Thousand) in each of the matters within ten weeks from today.
2. The challenge is to the court's award on reference under Section 18 of the Land Acquisition Act as modified in appeal under Section 54 of the Act. The referee court fixed compensation at Rs. 1,50,000 per acre while the High Court reduced it to Rs. 1,25,000 per acre. Not satisfied by the partial relief granted by the High Court, these appeals have been carried seeking further reduction.
3. We have heard counsel for the parties with reference to the material on record and in particular the evidence available from the instances of the sale near about the date of the notification under Section 4(1) of the Act.
4. On the material, we are inclined to agree with the learned Advocate General that one lakh of rupees per acre would have been near about the market price on that date, we accordingly allow these appeals in part and direct that compensation shall be calculated at the rate of Rupees one lakh per acre in lieu of Rs. 1,25,000 as determined by the High Court. The claimants shall be entitled to the benefits of the Amending Act of 1984 as directed by the High Court.
5. We direct parties to bear their own costs in this Court.

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