

Surat Singh (Dead) By Lrs. and Others

Vs

Union Of India

Malli and Others

Vs

Union of India

Civil Appeals No. 4028 of 1988

(K. Ramaswamy, S. B. Majmudar JJ)

13.08.1996

ORDER

1. This case relates to the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (1 of 1894) published on 24-10-1961. The Land Acquisition Officer in his award dated 16-12-1964 granted compensation at the rate of Rs 2000 per bigha. On reference, the Additional District Judge by his award and decree dated 20-5-1970 enhanced the compensation varying between Rs 2000 to Rs 3000 per bigha in respect of ABC Blocks. The High Court in the impugned judgment dated 11-9-1984 enhanced the compensation to the uniform rate of Rs 7000 per bigha. Dissatisfied therewith, the claimants have filed these appeals.

2. Though there is some force in the contention of the learned Senior Counsel for the appellants that there is a difference between the earlier cases and this case, since the notification in the earlier cases dated back to 1959 and this notification to 1961, the sale instances relating to the small pieces of land cannot be solely relied upon when lands of an extent of around 16,000 and odd bighas is acquired. There is no proof of these sale transactions. Moreover, even if they were true, 1/3rd of the value towards development charges has to be deducted. This exercise was not done. Even if it is done, the appellant will get less than what was awarded by the High Court. Under these circumstances, we are not inclined to interfere with the judgment and order made by the High Court since the State did not file any appeal.

3. The appeals are accordingly dismissed. No costs.