

Saunu

Vs

Collector, Land Acquisition

Civil Appeal No. 3030 of 1990

(K. Ramaswamy, K. Venkataswami JJ)

28.08.1996

ORDER

1. Notification under Section 4(1) of the Land Acquisition Act, 1984 (1 of 1894) (for short, "the Act") was published on 4-12-1965 acquiring 221 bighas of land for the construction of approach channel to the Inlet Portal of S.S. Tunnel by the Beas-Sutlej Link Project. The Land Acquisition Officer in his award dated 26-6-1968/27-6-1968 classified the lands into 9 items (mentioned at page 4 of the Paper-Book) and granted compensation at the rate varying between Rs 2000 to Rs 5000 per bigha. On reference, the Additional District Judge confirmed the award of the Collector. On appeal, in the impugned judgment dated 31-12-1982, the Division Bench in RFA No. 19 of 1970 confirmed the same. Thus, this appeal by special leave.

2. Admittedly, the appellant's claim is for compensation at the rate of Rs 15,000 per bigha. The classification of the land and the amount awarded by the Collector would indicate that in respect of Kohli I, Begicha and Abadi Deh lands, he granted Rs 2000 per bigha; in respect of the lands B-1, he granted what was asked for, namely Rs 1500 per bigha. For Kohli II he granted Rs 1250 per bigha; for Item 5 B-II, he granted Rs 1000 per bigha; for banjar and uncultivated lands, he granted Rs 500 per bigha. It is one of the rarest cases where the Land Acquisition Officer has granted fair compensation. The question, however, arises whether it is a case for further enhancement? The appellant relied upon five sales instances of a small extent of land ranging between 6 biswas and 18 biswas spoken to the witnesses as discussed by the High Court. These lands are situated in the Abadi, namely, village itself. Under those circumstances, those sale deeds do not form any reasonable basis to determine higher compensation for the vast extent of 221 bighas of land. The test that the Court is required to adopt is whether a willing prudent purchaser in the open market would be prepared to offer compensation at the rate which the Court proposes to determine in a compulsory acquisition. In this case, the courts have adopted the correct standard and were not inclined to come to the conclusion that the lands would fetch higher than what was determined by the Land Acquisition Officer. Under these circumstances, the courts below have not committed any error of principle of law in determining the compensation, warranting interference.

3. The appeal is accordingly dismissed but, in the circumstances, without costs.