

U.P.S.R.T.C., Aligarh

Vs

State of U.P. and Others

Civil Appeals Nos. 4980-4986 of 1995

(K. Ramaswamy, G. B. Pattanaik JJ)

27.03.1997

ORDER

1. These appeals by special leave arise from the orders of the Division Bench of the Allahabad High Court, made on 17-10-1994 in FA No. 271 of 1994 and batch.

2. The Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") was published on 3-6-1979 acquiring a total extent of 24.9 acres of land for public purpose, namely, for establishment of road transport depot. The Land Acquisition Officer awarded compensation at the rate of Rs. 11.25 per sq.yard. On reference under Section 18 of the Act, the Additional District Judge by his award and decree enhanced the compensation to Rs. 25 per sq.yard. On appeal, the Division Bench of the High Court has dismissed the appeals on the ground of limitation. Thus, these appeals.

3. On our direction the learned counsel for the parties have placed on record the adduced evidence. It is now admitted position that two sale deeds had been filed in support of the claim for higher compensation but neither the vendor nor the vendee has been examined to substantiate those documents which is not the evidence legally admissible nor to be considered. The reference court also did not properly consider the claims in the legal perspective. Thus, we find that the approach adopted by the High Court as well as the reference court is not correct in law. However, we are not expressing any opinion on merits. We set aside the award and decree of the reference court and that of the Division Bench of the High Court. The matter is remitted to the reference court with a direction to give opportunity to the parties to adduce evidence afresh, consider the same in the light of the law laid down by this Court and then decide the compensation accordingly within six months from the receipt of this order.

4. The appeals are, accordingly, allowed but, in the circumstances, without costs.