

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1190 of 2000

to

FIRST APPEAL No 1210 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

EXECUTIVE ENGINEER

Versus

KANUBHAI NARANBHAI

Appearance:

MR KG SHETH Ld. AGP for Petitioners

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 31/07/2000

ORAL JUDGEMENT

All these appeals arise from the impugned judgment and order dated 9.3.88 rendered by the learned

Assistant Judge, Ahmedabad (Rural) at Gandhinagar in LAQ Case No. 155/96 to 175/96. All the aforesaid reference cases were decided by the trial court upon appreciation of the evidence in respect of acquisition of land situated in Pipalaj village, Tal. Gandhinagar.

The Special Land Acquisition Officer awarded Rs. 2/ per sq.mtr. by way of compensation in Land Acquisition Case No. 17/82. The claimants being aggrieved with and dissatisfied by the said award, preferred aforesaid reference cases before the trial court. The claimants adduced evidence with regard to the nature of the lands in question coupled with the instance of award in LAR No. 93/96 to 115/96. As per the award passed in the said reference cases, additional compensation of Rs. 16/- per sq.mtr. was awarded and the said award was accepted by the Government. The trial court has held that the said award concerned lands in village Unava, which is adjacent to village Pipalaj; hence, he found the award in respect of the said lands comparable with the lands in question.

Mr KG Sheth learned AGP submitted that simply because there was an award with respect to the adjacent lands, comparability could not have been upheld by the trial court. He, however, could not point out any evidence which would dislodge the conclusion reached to by the learned trial judge. As a matter of fact, there is evidence on the record of the reference cases and Mr KG Sheth learned AGP does not have any counter submission in respect of such evidence to the effect that the lands in question have full irrigation facilities; 2 to 3 three crops per season could be obtained; net earning per bigha per year could be Rs. 20,000/ and village Pipalaj was found to be one of the centers where industries were developing. Bearing in mind such circumstances emanating from the evidence adduced by the claimants the trial court proceeded to compare the award. In doing so, it has relied upon the decision of the Apex Court in the case of State of Madras vs. A.M. Mahajan & Ors., reported in 1976 SCC 473. In my considered opinion, the learned trial judge cannot be said to have committed an error in comparing the unchallenged award in respect of the lands situated in the adjacent village.

Except two cases where compensation is works out at Rs. 18000/ and odd, in rest of the cases compensation is less than Rs. 15000/. Hence, the claims clearly appear to be petty claims, not required to be entertained in the appeals as observed by this Court in the case of Executive Engineer, Shedhi Irrigation Mahi Canal vs.

Special Land Acquisition Officer, Nadiad & Anr., reported
in 1999(1) GLH p. 590.

In above view of the matter, the award of
additional compensation at the rate of Rs. 16/per sq.
mtr. appears to be quite just and reasonable. Hence,
all these First Appeals are dismissed at the admission
stage itself.

mandora/