

# HIGH COURT OF ORISSA: CUTTACK.

## F.A. No.207 of 1997

From the judgment dated 4.3.1997 passed by Shri B.C.Rout, C.J.S.  
(I) Civil judge (Sr.Divn.), Angul in L.A. Misc. Case Nos. 201 and 203  
of 1993.

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Land Acquisition Zone Officer,  
Talcher-Sambalpur Rail Link, Angul ..... Appellant

- Versus-

Sanatan Behera (dead),  
Smt. Tulasi Behera and others ..... Respondents

For Appellant : Addl. Standing Counsel

For Respondents : M/s A.S.Nandy, T.Sinha and  
S.K.Pradhan

**PRESENT:**

**THE HONOURABLE SHRI JUSTICE D.DASH**

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Date of hearing and judgment: 30.03.2015

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**D.DASH, J.** The State has called in question the common award passed by the referral court in LA Misc. Case Nos. 201 and 203 of 1993 in the matter of proceedings under Section 18 of the Land Acquisition Act, 1894.

2. By virtue of Government notification no. 1941 dated 7.1.1989, the lands involved in the above noted two cases have been acquired for the purpose of construction of Talcher-Sambalpur rail link. The Land Acquisition Collector having assessed the compensation, respondent no.1-claimant received the same on protest. Hence, the reference came before the court.

The referral court thus has been called upon to determine the market value of land measuring Ac.2.36 decimals belonging to the respondent no.1 involved in both the L.A. cases.

It appears that respondent no. 1 has adduced both oral and documentary evidence whereas no evidence has been led from the side of the appellant. Evidence remains with regard to the locational advantages the acquired land were having at the relevant point of time. Said evidence has remained unchallenged on the score that the acquired land is at a distance of 1 K.M. from the N.H. and that the bus stand, bazaar, rice haulers, oil mills etc. are nearby when also the Govt. Offices are at a distance of 1 K.M. Besides the above, respondent no. 1 has given evidence with regard to the agricultural activity which were being carried out there. It has been stated by the witness that he was harvesting 7 quintals of green gram or mustard per acre besides producing vegetables. Respondent no. 1 in the proceeding has deposed that his land as well as the land of one Antarijyami Behera which have been acquired under LA Misc. Case No. 151 of 1993 are almost similar being used as such and with same advantages available. As regards the valuation of trees, evidence has also been led.

The referral court as it appears having taken all the above evidence into consideration and also making some guess work has determined the market price of Sarada 1 and Sarada 2 variety

of land at Rs.30,000/- per acre and has awarded a consolidated sum of Rs.700/- towards the price of the trees standing on the land.

3. On going through the evidence led by respondent no. 1 and in the absence of any evidence to counter the same or any material being brought out during cross objection to discredit the version of the witness, this Court finds the determination of the market value of the acquired land as well as for the trees as done by the referral court to be just and proper.

Therefore, the common award impugned in this appeal is not liable to be interfered.

4. Resultantly, the appeal stands dismissed with cost throughout.

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***D.Dash, J.***

*Orissa High Court, Cuttack,  
Dated the 30<sup>th</sup> March, 2015/AKS.*