

A GUJARAT MINERAL DEV. CORPN.

v.

RAM SANG BHAILALBHAI & ANR.

B (Civil Appeal Nos. 8161-8185 of 2011)

FEBRUARY 26, 2015

C [VIKRAMAJIT SEN AND
PINAKI CHANDRA GHOSE, JJ.]

D *Land Acquisition Act, 1894: Acquisition of land situated in Village Bhuri and village Rajpardi for Lignite Project – High Court granted compensation on the basis of sale deed in respect of village Madhavpara – Held: There was no evidence to show that any injustice or any illogical conclusion was arrived at by High Court in following the compensation rate applicable to village Madhavpara – Interference with the order of High Court not called for.*

E *Kanwar Singh & Ors. vs. Union of India* 1998 (8) SCC 136: 1998 (2) Suppl. SCR 505 – held inapplicable

Case law reference

F 1998 (2) Suppl. SCR 505 held inapplicable Paras 2, 6

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 8161-8185 of 2011

G From the Judgment and Order dated 06.08.2010 of the High Court of Gujarat at Ahmedabad in First Appeal Nos. 1831-1855 of 2010

WITH

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GUJARAT MINERAL DEV. CORN. v. RAM SANG 688
BHAILALBHAI

Civil Appeal Nos. 8147-8160 of 2011

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V. Giri, Sanjay Kapur, Daisy Hannah, Shubhra Kapur for the Appellant.

Nikhil Goel, Naveen Goel, Marsook Bafaki, Shobha, Akanksha Kaushik, Raghav Pandey, M. M. Saiyed, Hemantika Wahi, Jesal, Preeti Bhardwaj, Puja Singh, for the Respondents.

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The following order of the Court was delivered

ORDER

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CIVIL APPEAL NO(S). 8161-8185 OF 2011

1. Notification under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act') was published in respect of the land at Village Bhuri, taluka Jhagadia for the purpose of a Lignite Project as far back on 10th May, 1988. Declaration under Section 6 of the Act followed on 20th May, 1989. The Special Land Acquisition Officer awarded compensation at the rate of Rs.75/- per Are corresponding to Rs. 0.75 paisa per Sq. Mtr. as per the Awards dated 02.03.1990 and 08.03.1990. Being dissatisfied with the compensation computed by the Special Land Acquisition Officer, the claimants had raised dispute before the Reference Court which, after hearing the parties, increased the compensation to Rs.16.29 paisa per Sq. Mtr. together with interest and 30 per cent solatium. This was challenged in the High Court. In the Impugned Order the learned Division Bench has noted that village Maljipara and village Bhuri are adjacent to each other; and their boundaries touching each other. Noting that the compensation had been finally settled in respect of the village Maljipara, the Division Bench thought it appropriate to grant compensation at the same rate. In doing so it took into account the fact that there was no evidence showing any distinguishing

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A feature of the lands between these two villages. We have also perused the Map in question and we note that the two villages are contiguous to each other, having common boundaries and are almost at equal distance to village Madhavpara. We may clarify that so far as the compensation payable in respect of village Maljipara is concerned, that was granted on the basis of a Sale Deed in Madhavpara. We also take note that there is no evidence to show that any injustice or any illogical conclusion was arrived at in following the compensation rate applicable to village Maljipara for the village Bhuri also.

2. Mr. V. Giri, learned Senior Counsel appearing for the Appellant has drawn out attention to Kanwar Singh & Ors. vs. Union of India (1998) 8 SCC 136, and especially to paragraph 9 therein. This is for the purpose of contending that merely because the compensation stood settled so far as village Maljipara was concerned, that was not sufficient ground to apply that same rate to village Bhuri. As has already been noted by us above, this very question had been taken into consideration in the Impugned Order and the High Court recorded the finding that there was no evidence to disclose that the challenged rate of compensation was, for any discernible factors, higher than what should have ordinarily been determined for village Bhuri. Since the High Court has specifically entered on a comparative analysis, this decision does not come to the aid of the Appellant.

3. We find no merit in these Appeals, which are dismissed accordingly.

4. The amount deposited by the Appellant be released to the Respondents forthwith.

CIVIL APPEAL NO(S). 8147-8160 OF 2011

5. Notification under Section 4 of the Land Acquisition Act,

1894 (in short 'the Act') was published in respect of the land at village Rajpardi, taluka Jhagadia for the purpose of a Lignite Project as far back on 24th February, 1994. Declaration under Section 6 of the Act followed on 14th July, 1994. The Special Land Acquisition Officer awarded compensation at the rate of Rs.45 per Sq. Mtr. for non agricultural land and Rs.6 per Sq.Mtr. for agricultural land as per the Award dated 09.02.1996. Being dissatisfied with the compensation computed by the Special Land Acquisition Officer, the claimants had raised dispute before the Reference Court which, after hearing the parties, increased the compensation to Rs.26.70 Sq. Mtr. for agricultural land and Rs.155 per Sq. Mtr. for Non agricultural land together with interest and 30 per cent solatium. This was challenged in the High Court. In the Impugned Order the learned Division Bench has noted that village Rajpardi and village Madhavpara are adjacent to each other and are also covered under the same Group Gram Panchayat. In doing so it also took into account the fact that there was no evidence showing any distinguishing feature of the lands between these two villages. We have also perused the Map in question and we note that the two villages are contiguous to each other, having common boundaries. We may clarify that the compensation payable was computed on the basis of the Sale Deed concerned with the village Madhavpara. We also take note that there is no evidence to show that any injustice or any illogical conclusion was arrived at in following the compensation rate applicable to village Madhavpara.

6. Mr. V.Giri, learned Senior Counsel appearing for the Appellant has drawn our attention to Kanwar Singh & Ors. vs. Union of India (1998) 8 SCC 136, and especially to paragraph 9 therein. However, this decision was rightly not cited before the High Court for the simple reason that village Rajpardi is adjoining to village Madhavpara, and is further away from

A village Bhuri as well as village Maljipara. The High Court recorded the finding that there was no evidence to disclose that the challenge rate of compensation was, for any reason, higher than what should have ordinarily been determined for village Madhavpara.

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7. We find no merit in these Appeals, which are dismissed accordingly.

8. The amount deposited by the Appellant be released to the

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Respondents forthwith.

Devika Gujral

Appeals dismissed.

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