

**Court No. - 19**

**Case :-** FIRST APPEAL No. - 86 of 1995

**Appellant :-** State Of U.P. Through Special Land Acquisition Officer

**Respondent :-** Smt. Vishnu Dei

**Counsel for Appellant :-** C.S.C.

**Hon'ble Jaspreet Singh,J.**

1. None has put in appearance on behalf of the respondent.
2. The record indicates that by a publication made in the newspaper, notices were served on the respondent through substituted service. Despite the same, none has put in appearance on behalf of the respondent. Noticing the aforesaid, the Court has proceeded to hear the learned Standing Counsel.
3. The instant appeal has been preferred under Section 381(5) (2) of the Nagar Mahapalika Adhiniyam, 1959 against the judgement and award dated 03.09.1980 passed by the Nagar Mahapalika Tribunal, Lucknow, whereby the compensation as awarded to the respondent by the Special Land Acquisition Officer has been enhanced.
4. The submission of the learned counsel for the appellant is that the Tribunal has enhanced the compensation without considering the material on record inasmuch as there was no material to suggest that there were any standing trees on the land in question for which compensation has been awarded. It is further submitted that even the interest which has been awarded is not appropriate and for the aforesaid reason, the award dated 03.09.1980 deserves to be set aside.
5. The Court has heard the learned Standing Counsel and also

perused the material on record.

6. At the outset, it may be stated that before the Reference Court, exemplars were filed by the land owner. The land owner had also brought on record the certified copy of the judgement in M.C.A. No.23 of 1966 relating to Babu, Ram Milan and Rajendra which also arise out of the same acquisition wherein in the reference the enhancement was made of the plot in question at 1 per Sq.ft. The interest of 6% was awarded with effect from 17.03.1965 and solatium was also provided at the rate of 15%. This order of the Tribunal dated 12.02.1979 was not challenged and it has attained finality.

7. The instant appeal whereby the award dated 03.09.1980 is being challenged also arises out of the same acquisition and taking note of the aforesaid fact, the Reference Court in the instant case provided the same compensation as was provided to other land holders.

8. In view of the aforesaid, this Court does not find that there is any merit in the appeal. Accordingly, it is **dismissed**. The record be returned forthwith.

**Order Date :- 14.12.2023**

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