

IN THE HIGH COURT OF MANIPUR
AT IMPHAL
LA Appeal No. 1 of 2021
(Ref:- OS(LA) Case No. 2 of 2009/ 43 of 2013)

Shri Sanasam Shamungou Singh, aged about 55 years, S/o
S. Achou Singh of Thoubal Sabaltongba Mayai Leikai, P.O. &
P.S. Thoubal, Thoubal District, Manipur.

... Appellant

-Versus-

1. The Deputy Commissioner/ Collector, Land Acquisition of
Imphal East District, Imphal East, Manipur – 795001.
2. The Commissioner-Cum-Secretary (Works), Govt. of
Manipur representing the State of Manipur at Secretariat
Building, Babupara, Imphal – 795001.
3. The Chief Engineer, PWD, Govt. of Manipur, Khuyathong,
Imphal – 795001.

... Respondents

With

LA Appeal No. 1 of 2022
(Ref:- OS(LA) Case No. 3 of 2009/ 45 of 2013)

1. Paonam Kunjabihari Singh, aged about 54 years, S/o P. Mani
Singh of Kiyamgei Pal Ahanbi at present Thoubal Kiyam Siphai,
P.O. & P.S. Thoubal, Thoubal District, Manipur.
2. Khwairakpam Biren Singh, aged about 60 years, S/o (L) Kh.
Chaoba Singh of Wangbal Maning Leikai, P.O. & P.S. Thoubal,
Thoubal District, Manipur.
3. Pukhrambam Khogendra Singh, aged about 68 years, S/o (L)
P. Natek Singh, Secy. D.L. Repertory Shelter of Lilong Chajing,
P.O. Lilong & P.S. Singjamei, Imphal West District, Manipur.
4. Maibam Dipak Meitei, aged about 48 years, S/o (L) M.
Shachikumar Meitei, Lilong Chajing Konjeng Leikai, P.O. Lilong
& P.S. Singjamei, Imphal West District, Manipur.

5. Chingakham Robin Meitei, aged about 54 years, S/o (L) Ch. Modhu expired on 17-05-2021 now represented by:-
 - 5A. A. Kamala aged about 49 years, W/o (L) Chingakham Robin Meitei of Kiyamgei Maning Leikaik, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur.
 - 5B. Hopson Chingakham, aged about 30 years, S/o (L) Chingakham Robin Meitei of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur.
6. Laishram Basanta Meitei, aged about 50 years, S/o (L) L. Churamani of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur.
7. Thokchom Iboyaima Singh, aged about 62 years, S/o (L) Th. Mangi of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur.

... Appellants

-Versus-

1. The Deputy Commissioner/ Collector, Land Acquisition of Imphal East District, Imphal East, Manipur – 795001.
2. The Commissioner-Cum-Secretary (Works), Govt. of Manipur representing the State of Manipur at Secretariat Building, Babupara, Imphal – 795001.
3. The Chief Engineer, PWD, Govt. of Manipur, Khuyathong, Imphal – 795001.

... Respondents

With

LA Appeal No. 6 of 2023
(Ref:- OS(LA) Case No. 2 of 2009/ 43 of 2013)

1. The Commissioner (Works), Government of Manipur, Old Secretariat, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur, Pin No. – 795001.
2. The Chief Engineer (PWD), Manipur, Khoyathong, P.O. & P.S. Imphal, Imphal West District, Pin No. – 795001.

... Appellants

-Versus-

1. Shri Sanasam Shamungou Singh, aged about 54 years, S/o S. Achou Singh of Thoubal Sabaltongba Mayai Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur.

... Respondent

2. The Deputy Commissioner/ Collector (LA), Porompat, Imphal East District, Manipur, Pin No. – 795005.

... Proforma Respondent

With

LA Appeal No. 7 of 2023

(Ref:- OS(LA) Case No. 3 of 2009/ 45 of 2013)

1. The Commissioner (Works), Government of Manipur, Old Secretariat, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur, Pin No. – 795001.
2. The Chief Engineer (PWD), Manipur, Khoyathong, P.O. & P.S. Imphal, Imphal West District, Pin No. – 795001.

... Appellants

-Versus-

1. Paonam Kunjabihari Singh, aged about 54 years, S/o P. Mani Singh of Kiyamgei Pal Ahanbi, at present Thoubal Kiyam Siphai, P.O. & P.S. Thoubal, Thoubal District, Manipur.
2. Khwairakpam Biren Singh, aged about 60 years, S/o (L) Kh. Chaoba Singh of Wangbal Maning Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur.
3. Pukhrambam Khogendra Singh, aged about 68 years, S/o (L) P. Natek Singh, Secy. D.L. Repertory Shelter of Lilong Chajing, P.O. Lilong & P.S. Singjamei, Imphal West District, Manipur.
4. Maibam Dipak Meitei, aged about 48 years, S/o (L) M. Shachikumar Meitei, Lilong Chajing Konjeng Leikai, P.O. Lilong & P.S. Singjamei, Imphal West District, Manipur.
5. Chingakham Robin, aged about 54 years, S/o (L) Ch. Modhu Singh of Kiyamgei Maning Leikai, P.O. Canchipur, P.S. Irilbung, Imphal West District, Manipur.
- 5A. A. Kamala aged about 49 years, W/o (L) Chingakham Robin Meitei of Kiyamgei Maning Leikaik, P.O. Canchipur & P.S. Irilbung, Imphal East District, Manipur.

5B. Hopson Chingakham, aged about 30 years, S/o (L) Chingakham Robin Meitei of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Iribung, Imphal East District, Manipur.

(... incorporated vide order dated 20.03.2023 passed in MC((LA App.) No. 11 of 2023)

6. Laishram Basanta Meitei, aged about 50 years, S/o (L) L. Churamani of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Iribung, Imphal East District, Manipur.

7. Thokchom Iboyaima Singh, aged about 62 years, S/o (L) Th. Mangi of Kiyamgei Maning Leikai, P.O. Canchipur & P.S. Iribung, Imphal East District, Manipur.

... Respondents

8. The Deputy Commissioner/ Collector (LA), Porompat, Imphal East District, Manpur, Pin No. 795005.

... Proforma Respondent

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the appellants/ respondents :: Mr. O. Chittaranjan, Advocate

For the respondents/ Appellants :: Mr. Niranjana Sanasam, Advocate

Date of hearing :: **02-04-2025**

Date of judgment :: **05-08-2025**

J U D G M E N T

[1] Heard Mr. O. Chittaranjan, learned counsel appearing for the appellants in LA Appeal No. 1 of 2021 and LA Appeal No. 1 of 2022. Heard also, Mr. Niranjana Sanasam, learned GA appearing for the appellants in LA Appeal No. 6 of 2023 and LA Appeal No. 7 of 2023.

The dispute between the parties in the present four appeals is with regard to the fixation of rate of compensation for the lands acquired by the authorities for the purpose of widening of National Highway 39 (now

NH-102) from Canchipur Bridge to Lilong Bridge and construction of Leishang Hidden. LA Appeal No. 1 of 2021 and LA Appeal No. 6 of 2023 have been filed by the land owners and authorities of the State Government respectively challenging the judgment dated 25-02-2021 passed by the District Judge, Imphal East, in O.S. (L.A) Case No. 2 of 2009/ 43 of 2013. LA Appeal No. 1 of 2022 and LA Appeal No. 7 of 2023 have been filed by the land owners and authorities of the State Government respectively challenging the judgment dated 25-02-2021 passed by the District Judge, Imphal East, in OS (L.A) Case No. 3 of 2009/ 45 of 2013.

[2] The brief facts which culminates in filing the present four appeals are that the Public Works Department, Manipur, propose to acquire 44.0977 acres of land situated at 68/ Kiyamgei Village for a public purpose of widening of National Highway 39 (now, NH-102) from Canchipur Bridge to Lilong Bridge and construction of Leishang Hidden. After completing the due process for acquisition of land as prescribed by law, the DC-cum-Collector, Land Acquisition, Imphal East District, Manipur, passed an award dated 16-08-2008 fixing the rate of compensation for the acquired lands at ₹ 9.92 p. per sq. ft. for homestead lands and ₹ 6.35 p. per sq. ft. for agricultural lands.

[3] Having been not satisfied with the rate of compensation awarded by the Collector of Land Acquisition, the land owners, i.e., the appellants in LA Appeal No. 1 of 2021 and LA Appeal No. 1 of 2022 submitted two separate applications, both dated 27-09-2008 to the Deputy Commissioner/Collector, Land Acquisition, Imphal East District, raising their objections to

the rate of compensation awarded by the Collector. On receiving the said applications, the DC/ Collector, Land Acquisition, Imphal East District, made a reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as “**LA Act**”, for short) by forwarding the said applications to the District Judge, Manipur East (later re-designated as District Judge, Imphal East) under cover of a letter dated 04-11-2008. The application filed by the appellant in LA Appeal No. 1 of 2021 was registered as OS(LA) Case No. 2 of 2009/ 43 of 2013 and the application submitted by the appellants in LA Appeal No. 1 of 2022 was registered as OS(LA) Case No. 3 of 2009/ 45 of 2013 in the Court of the District Judge, Imphal East, Manipur.

[4] Both the aforesaid OS(LA) Case No. 2 of 2009/ 43 of 2013 and OS(LA) Case No. 3 of 2009/ 45 of 2013 were disposed of by the District Judge, Imphal East, by passing two separate judgments, both dated 25-02-2021. By the said two judgments, the District Judge, Imphal East, enhanced the rate of compensation @ ₹ 60 per sq. ft. for homestead land and @ ₹ 40 per sq. ft. for the agricultural land. The learned District Judge, Imphal East, also ordered for payment of 30 percent solatium and 12 percent additional charge for the enhanced compensation amount and the said amount was to be paid within 90 days from the date of the said judgment. It was also ordered that in case of failure to make the payment of the enhanced compensation amount within the stipulated period, the claimants will be entitled to get interests @ 6 percent per annum of the enhanced rate of compensation till payment of the said amount.

[5] Having been not satisfied with the judgements dated 25-02-2021 passed by the District Judge, Imphal East (hereinafter '**Reference Court**', for short) in OS (LA) Case No. 2 of 2009/ 43 of 2013 and OS (LA) Case No. 3 of 2009/ 45 of 2013, the acquiring authorities of the State Government and claimants/ land owners preferred the present four appeals assailing the said judgments, however, seeking different reliefs.

In LA Appeal No. 1 of 2021 and LA Appeal No. 1 of 2022 filed by the claimants, the reliefs sought for in the said two appeals are as under:-

- (a) Admit the present appeal and call for the records from the court below,
- (b) Pass appropriate order or direction so as to modify the impugned judgement dated 25/02/2021 passed by Ld. District Judge, Imphal East in the OS(LA) No. 2 of 2009/ 43 of 2013 and OS(LA) No. 3 of 2009/ 45 of 2013 by enhancing the rate of the acquired homestead land of the appellant from @ ₹ 60/-sq. ft. to @ ₹ 500/-sq. ft.
- (c) Pass appropriate order or direction to pay @ 12% interest on the compensation amount per annum from the date of award till the date of actual payment.
- (d) Issue such other further order or orders that the Hon'ble High Court may deem fit, proper and just for the ends of justice and equity;

In LA Appeal No. 6 of 2003 and LA Appeal No. 7 of 2003 filed by the acquiring authorities, the reliefs sought for in the said two appeals are as under:-

- (i) To admit this appeal and call for records of OS(LA) Case No. 2 of 2009/43 of 2013 and OS(LA) Case No. 3 of 2009/45 of 2013 from the Ld. Court of District Judge, Imphal East.
- (ii) To set aside the impugned Judgment and Order dated 25-02-2021 passed in OS(LA) Case No. 2 of 2009/ 43 of 2013 and OS(LA) Case No. 3 of 2009/ 45 of 2013 as the same are not passed after proper finding on the materials of the case as the ends of justice may call for.

[6] Mr. O. Chittaranjan learned counsel appearing for the land owners/ claimants submitted that the claimants produced a registered Sale Deed in respect of homestead land under Patta No. 803/1475 covered by C S. Dag No. 1291/1755 measuring and area of 0.173 for purchasing the same in the year 2004 at a consideration amount of ₹ 2,00,000/- (Rupees two lakh) only by one Laishram Suresh Singh, whose said land was also acquired under the said award dated 16-08-2008 and that as per the said Sale Deed, the market value of the said land in the year 2004 was ₹ 27 per sq. ft. It has been submitted by the learned counsel that in the year 2007, i.e., after three years from the date of purchase of the said land, the rate of land would increase three times the value of the said land which would be minimum of ₹ 81 per sq. ft. and as such, the fixation of value of Ingkhol class land at ₹ 9.92 per sq. ft. is not a reasonable one.

[7] The learned counsel submitted that the claimants also produced an order dated 14-11-2002 issued by the Collector, LA, Thoubal for

acquiring homestead lands at Lilong Bazar which is situated at Thoubal District and the rate of compensation for the said land was fixed at ₹137 per sq. ft. The learned counsel further submitted that the claimants also produced an order dated 21-06-2011 passed by the erstwhile District Judge, Manipur East in Original (LA) Suit No. 4 of 2009 in connection with the homestead land belonging to Laishram Suresh Singh, which was acquired under the same land acquisition proceedings. According to the learned counsel, by the said order, the market value of the said land was enhanced at ₹ 100 per sq. ft. from ₹ 9.92 per sq. ft. awarded by the Collector, LA.

[8] It has been submitted by the learned counsel that the rate of land situated at Lilong Bazar, which is about 1 km. far away from the present acquired land and which was acquired in 2002, was fixed at ₹ 137 per sq. ft. whereas the value of the present acquired lands, which are situated nearer to the Imphal town, had been fixed only at the rate of ₹ 9.92 per sq. ft. for homestead land and ₹ 6.32 per sq. ft. for the agricultural land. It has been submitted that such fixation of rate of the acquired lands at a much lower rate is unreasonable and without any supporting materials or reason. The learned counsel also submitted that the value of land never decreases but always increases with the passing of time and that fixation of the value of land at a lower rate than the rate fixed by the Government in earlier land acquisition proceedings is unreasonable and liable to be interfered with.

[9] It has also been submitted by the learned counsel that in connection with the present land acquisition proceedings, the Collector, Land Acquisition, Imphal East vide his letter dated 04-11-2008 submitted 39 applications on reference under Section 18 of the Land Acquisition Act, 1894. One of the claims objection filed by one Laishram Suresh Singh which was registered as Original (LA) Suit No. 4 of 2009 in the erstwhile Court of District Judge, Manipur East was disposed of by an order dated 21-06-2011. The learned counsel submitted that by the said order, the amount of compensation in respect of the acquired land of the said Laishram Suresh Singh was enhanced by the Court to ₹ 100 per sq. ft. According to the learned counsel, the present claimants produced the registered Sale Deed executed by the said Laishram Suresh Singh in the year 2002 in respect of his said land and also the said order dated 21-06-2011 passed by the District Judge, Manipur East in the said Original (LA) Suit No. 4 of 2009 and claimed for enhancement of the compensation amount of their land at par with the same amount given to the said Laishram Suresh Singh. However, their claim was not considered favourably even though they are entitled to get the same rate of compensation for their land.

The learned counsel submitted that all the land of the claimants and the land of Laishram Suresh Singh, which were acquired are also similar and situated in the same place in a compact manner and as such, the rate of compensation for the land of the claimants should also be the same as are given to the said Laishram Suresh Singh.

[10] The learned counsel cited the following case laws:-

1. (2008) 2 SCC 568 “Atma Singh (Dead) Through LRs & ors. Vs. State of Haryana & anr.” wherein it has been held as under:-

“8. The appellant claimants (landowners) had filed copies of four sale deeds which are Exts. P-7, P-8, P-9 and P-10. In fact, Ext. P-7 is a copy of a sale deed by which Laxman Singh bought some land in Village Chhapra on 28-7-1982, which itself became subject-matter of acquisition. Laxman Singh had deposed that he had bought the land for construction of shops. All these four sale deeds related to sale transactions prior to the issuance of the notification under Section 4 of the Act on 9-2-1983. The High Court excluded Ext. P-8 from consideration as it related to a very small piece of land measuring 19 marlas only. The average price of the three sale deeds viz. Exts. P-7, P-9 and P-10 came to a little more than Rs 1,20,000 per acre. Apart from these three sale deeds, no other exemplars were filed either by the State of Haryana or by the landowners. The High Court accepted the price exhibited by the aforesaid three sale transactions which came to a little more than Rs 1,20,000 per acre. It thus recorded a finding that the market value of the land was Rs 1,20,000 per acre. In our opinion, there being no other documentary evidence, the view taken by the High Court that the market value of the land was Rs 1,20,000 per acre is perfectly correct and calls for no interference.”

“17. In the result, the appeals are partly allowed. The appellant claimants will be entitled to compensation at the rate of Rs 1,08,000 per acre. Besides the above amount, they will also be entitled to the statutory sum in accordance with Section 23(1-A) and solatium at the rate of 30% on the market value of the land in accordance with Section 23(2) of the Act. They will also be entitled to interest as provided in Section 28 of the Act. The appellants will be entitled to their costs.”

2. (2010) 3 SCC 794 “Thakur Kuldeep Singh (Dead) Through LRs & ors. Vs. Union of India & ors.” wherein it has been held as under:-

“13. The Land Acquisition Collector as well as the court should always keep in their mind that the object of assessment is to arrive at a reasonable and adequate market value of the land. While doing so, imagination should be eschewed and mechanical assessment of evidence should be avoided. More attention should be on the bona fide and genuine sale transactions as guiding star in evaluating the evidence. The relevant factor would be that of the hypothetical willing vendor would offer for the land and what a willing purchaser of normal human conduct would be willing to buy as a prudent man in

normal market conditions prevailing in the open market in the locality in which the acquired lands are situated as on the date of notification under Section 4(1) of the Act. In other words, the Judge who sits in the armchair of the willing buyer and seeks an answer to the question whether in the given set of circumstances as a prudent buyer he would offer the same market value which the court proposed to fix for the acquired lands in the available market conditions. The market value so determined should be just, adequate and reasonable.”

3. (2009) 14 SCC 367 “Mohammad Raofuddin Vs. Land Acquisition Officer” wherein it has been held as under:-

“14. Thus, comparable sale instances of similar lands in the neighbourhood at or about the date of notification under Section 4(1) of the Act are the best guide for determination of the market value of the land to arrive at a fair estimate of the amount of compensation payable to a landowner. Nevertheless, while ascertaining compensation, it is the duty of the Court to see that the compensation so determined is just and fair not merely to the individual whose property has been acquired but also to the public which is to pay for it.”

4. (2008) 14 SCC 745 “General Manager, Oil and Natural Gas Corporation Limited Vs. Rameshbhai Jivanbhai Patel & anr.” wherein it has been held as under:-

“8. The fact that Santhal Village adjoins Ijapura is not disputed. The fact that Ext. 15 related to the acquisition of lands in the neighbouring Santhal Village, for the benefit of the appellant, ONGC, is also not disputed. The Reference Court and the High Court have recorded a concurrent finding of fact that having regard to the proximity and similarity between the lands at Santhal Village covered by Ext. 15 and the acquired lands in Ijapura, the market value determined in regard to the Santhal lands afforded a reasonable basis for determining the market value of the acquired lands.”

“9. We also find from the evidence of one of the claimants, Laljibhai, examined as CW 1 that the boundaries of Santhal, Kasalpura and Modipur Villages are adjacent to the acquired lands; and that the lands of one Ramanbhai Keshavlal of Santhal Village acquired on 6-1-1987 (subject-matter of Ext. 15) and the acquired lands were in neighbouring areas divided only by three or four agricultural fields. We also find that Ext. 15 was also the basis for determining the market value of lands which were the subject-matter of another acquisition for ONGC in Santhal and other villages under Notification dated 31-7-1986; and that this Court affirmed the award of

compensation at the rate of Rs 10 per square metre in regard to such acquisition relying on Ext. 15 (vide ONGC Ltd. v. Sendhabhai Vastram Patel [(2005) 6 SCC 454]). We are therefore of the view that in the absence of any evidence relating to sale transactions or acquisitions relating to the village of Ijapura itself, and having regard to the evidence relating to proximity of Santhal lands, Ext. 15 offered a reasonable basis for determining the market value of the acquired lands in Ijapura. In view of Ext. 15 relating to the neighbouring Santhal Village, Ext. 16 relating to Chalsana loses relevance.”

- “13. Primarily, the increase in land prices depends on four factors: situation of the land, nature of development in surrounding area, availability of land for development in the area, and the demand for land in the area. In rural areas, unless there is any prospect of development in the vicinity, increase in prices would be slow, steady and gradual, without any sudden spurts or jumps. On the other hand, in urban or semi-urban areas, where the development is faster, where the demand for land is high and where there is construction activity all around, the escalation in market price is at a much higher rate, as compared to rural areas. In some pockets in big cities, due to rapid development and high demand for land, the escalations in prices have touched even 30% to 50% or more per year, during the nineties.”*
- “22. Subsequent to the decision of the High Court, a Constitution Bench of this Court in Sunder v. Union of India [(2001) 7 SCC 211] held that the “amount awarded” for the purpose of interest will include not only the market value, but also the additional amount under Section 23(1-A) and solatium under Section 23(2) of the Act. In Patel Joitaram Kalidas v. Spl. Land Acquisition Officer [(2007) 2 SCC 341] this Court held that the calculation of interest on the additional amount under Sections 23(1-A) and 23(2) is automatic and consequential, even in the absence of any specific appeal by the claimants in respect of non-grant of such interest. At all events, as we are reducing the compensation from Rs 17.10 to Rs 13 per square metre, the claimants are entitled to support and sustain the award for the higher amount as per the decision of Reference Court and the High Court on other factors.”*

5. (2008) 11 SCC 65 “State of Haryana Vs. Gurbax Singh (Dead) by LRs & anr.” wherein it has been held as under:-

- “11. The Division Bench has merely vaguely mentioned that the present lands are situated at some distance from the lands covered in the above judgments. It is only on this basis that the Division Bench went on to hold that it would not be safe to say that the compensation awarded by the court would be the correct measure for assessing the market value of the land in the present proceedings. Again a statement seems to have been made that despite the acquisition of*

lands vide Notifications dated 29-6-1973 and 11-3-1981 and the fact that the city of Kurukshetra was developing, the price of land in the three villages had not shown any upward trend. It is on these grounds that the claims made on behalf of the appellants were rejected holding that the said documents could not be made the basis for deciding the correct market value of the land in question. In our opinion this is not the right approach. The Division Bench having allowed the application under Order 41 Rule 27 and having considered the documents in question should not have written the vague finding regarding the distance of the land covered in the judgments and the land covered by the present proceedings. Further, the Division Bench should not have casually observed that the prices of lands in the three villages had not showed any upward trend. We do not wish to comment on these aspects as, in our opinion, it would be better for the Division Bench to apply its mind to the facts and figures covered in the aforementioned judgments.”

“12. It has been held by this Court in Special Land Acquisition Officer v. Vasudev Chandrashankar [(1997) 11 SCC 218] that the earlier awards which were passed prior to about 8 years would provide a reasonable base for arriving at the correct market value. In the reported decision in the earlier award Rs 2100 per acre was held to be the proper market value, while in the subsequent award in question, the market value was increased to Rs 2500 per acre. This Court approved of the increase by observing that the lands in question were situated in the same village, though on different survey numbers. Some of the claimants are the claimants in the earlier acquisition as well. The Court observed : (SCC pp. 219-20, para 5)

“5. ... It is now settled legal position that the award of the reference court relating to the same village of the similar land possessed of same quality of land and potential offers a comparable base for determination of the compensation. The reference court also noted in Paras 18 and 19 the similarities of the lands under acquisition and that they were covered by Ext. 43. No doubt, the lands under acquisition are situated at the outskirts of the village. In the absence of any tangible material brought on record, as regards the distinctive features of differentiation between the quality of the lands situated, the land, subject-matter of Ext. 43 and the lands under acquisition Ext. 48, it is difficult to find out whether the reference court has applied any wrong principle of law in determination of the compensation.”

“13. In another decision of this Court in Union of India v. Harinder Pal Singh [(2005) 12 SCC 564] where one of us (Altamas Kabir, J.) was a party. This Court while confirming the judgment of the Punjab and Haryana High Court observed : (SCC p. 569, para 15)

“15. ... From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired lands was fixed at a uniform rate of Rs 40,000 per acre.”

This Court in para 13 of the above judgment took note of the contentions raised on behalf of the claimants that all the lands involved in the acquisition proceedings had similar potential for commercial exploitation and could be consolidated into a single unit where the process of development and improvement had already commenced. It was also noted that there were several mills and factories along with the residential accommodation which had come up in the area and there was little to differentiate between the lands comprised in either Village Kathania or Village Hamidpur and those comprised in the adjacent village of Kala Ghanu Pur, they were equally well-connected by arterial roads. The Court, therefore, declined to interfere with the award.”

“14. In our opinion, the abovesaid consideration could practically be applied to the lands in question. The lands are abutting the Kurukshetra town and can easily be said to be a part and parcel of the Kurukshetra town, having a great potential. In our opinion, the Division Bench should have taken into consideration both Annexures A-1 and A-2 and then should have decided the question of market price. Looking at the judgment of the Division Bench we get the impression that the matter has been approached rather casually.”

“15. Learned counsel took us through the above two annexures but we are deliberately not making any comments thereupon as, in our opinion, it would be better for the Division Bench to reconsider the matter in the light of what has been stated above.”

“16. In the above backdrop we allow Civil Appeals Nos. 2466-70 of 2000 filed by the private appellants and direct remand of the matters to the Division Bench to reconsider the matter in the light of the observations made above. Needless to mention that since we have accepted the first part of the judgment of the Division Bench marginally enhancing the market price to Rs 1,25,000 per acre, that portion will remain untouched in the sense that if so considered appropriate in law, there may be only upward revision in the market price. We accordingly set aside the judgment to the extent that we have indicated above and remand the matter for fresh consideration to the Division Bench. Since the matter has become very old, it would be desirable if the matter is decided as early as possible, preferably within nine months from the date the petitions are presented before the Division Bench.”

6. (1998) 2 SCC 385 “Land Acquisition Officer, Revenue Divisional Officer, Chittor Vs. L. Kamalamma (Smt.) Dead by LRs & ors. wherein it has been held as under:-

“6. The general trend in the prices of land is on the rise and the judicial notice of the same had been taken by the High Court correctly and therefore, cannot be challenged. Puttur is an urban area and the lands in question are abutting the main road leading from Tirupathi to Arkonam via Puttur and the acquired land was in the heart of Puttur town. To the north of the land in question there is a famous Venkateswaraswamy Temple and to the immediate south, the famous Tiruthani, one of the abodes of Lord Subrahmanyaswamy. Therefore taking into consideration the topography of the land, we may safely proceed on the basis that the High Court had correctly noted the situation of the land in question which has the potentiality of being developed as urban land. Ext. B-30 is a sale deed dated 9-8-1976, the transaction having taken place prior to eight months from the issue of the preliminary notification for acquisition of land in the present case. Having found that the piece of land referred in Ext. B-30 is situated very close to the lands that are acquired under the notification in question the reference court and the High Court relied upon the said document and, in our view, rightly. Further when no sales of comparable land were available where large chunks of land had been sold, even land transactions in respect of smaller extent of land could be taken note of as indicating the price that it may fetch in respect of large tracts of land by making appropriate deductions such as for development of the land by providing enough space for roads, sewers, drains, expenses involved in formation of a layout, lump sum payment as also the waiting period required for selling the sites that would be formed.

7. (2001) 7 SCC 211 “Sunder Vs. Union of India” wherein it has been held as under:-

“26. We think it useful to quote the reasoning advanced by Chief Justice S.S. Sandhawalia of the Division Bench of the Punjab and Haryana High Court in State of Haryana v. Kailashwati [AIR 1980 P&H 117 : (1980) 82 Punj LR 122] : (SCC p. 119, para 10)

“Once it is held as it inevitably must be that the solatium provided for under Section 23(2) of the Act forms an integral and statutory part of the compensation awarded to a landowner, then from the plain terms of Section 28 of the Act, it would be evident that the interest is payable on the compensation awarded and not merely on the market value of the land. Indeed the language of Section 28 does not even remotely refer to market value alone and in terms talks of compensation or the sum equivalent thereto. The interest

awardable under Section 28 therefore would include within its ambit both the market value and the statutory solatium. It would be thus evident that the provisions of Section 28 in terms warrant and authorise the grant of interest on solatium as well."

"27. In our view the aforesaid statement of law is in accord with the sound principles of interpretation. Hence the person entitled to the compensation awarded is also entitled to get interest on the aggregate amount including solatium. The reference is answered accordingly."

[11] Mr. Niranjana Sanasam, learned GA appearing for the State authorities submitted that as the claimants/ land owners have already accepted the award passed by the Collector of Land Acquisition without any protest, the reference made by the said Collector was illegal and not maintainable. The learned GA submitted that on this count alone all the Original (LA) Suits should not have been entertained by the reference court.

[12] The learned GA also submitted that by a judgment dated 25-02-2021 passed by the District Judge, Imphal East in OS (LA) Case No. 8 of 2010/14/2012/64 of 2003 in respect of one Smt. Khoisnam (N) Huidrom (O) Achoubi Devi, who is similarly situated with the present land owners/ claimants and whose land was also acquired under the same land acquisition proceedings, the rate of compensation was enhanced to ₹ 40 per square feet from ₹ 6.32 per sq. ft. for agricultural land. The State authorities challenged the said judgment by filing an appeal registered as LA Appeal No. 2 of 2023 in this court and in the said appeal, this court by a judgment and order dated 20-03-2023 passed in the said appeal set aside the judgment passed by the learned District Judge, Imphal East.

[13] The learned GA submitted that the judgment and order dated 20-03-2023 passed by this court in LA Appeal No. 2 of 2023 will cover the present appeals as the issues raised in the present cases and the issue raised in the said appeal are the same and the learned GA, accordingly prays for dismissing the appeals filed by the land owners/ claimants and to allow the appeals filed by the State authorities and to quash and set aside the impugned orders passed by the learned District Judge, Imphal East.

[14] On behalf of the State authorities, the learned GA cited the following case laws:-

1. (2009) 14 SCC 367 “Mohammad Raofuddin Vs. Land Acquisition Officer” wherein it has been held as under:-

“8. Before we enter into the merits of the case, we may note a few broad principles to be kept in view while determining the amount of compensation payable on acquisition of land for a public purpose.”

“9. Section 15 of the Act mandates that “in determining the amount of compensation, the Collector shall be guided by the provisions contained in Sections 23 and 24” of the Act. Section 23 contains the list of positive factors and Section 24 has a list of negatives, vis-à-vis the land under acquisition, to be taken into consideration while determining the amount of compensation, the first step being the determination of the market value of the land on the date of publication of the notification under sub-section (1) of Section 4 of the Act.”

“10. One of the principles for determination of the market value of the acquired land would be the price an interested buyer would be willing to pay if it is sold in the open market at the time of issue of notification under Section 4 of the Act. But finding direct evidence in this behalf is not an easy exercise and therefore, the Court has to take recourse to other known methods for arriving at the market value of the land acquired.”

“11. One of the preferred and well-accepted methods adopted for working out the market value of the land in acquisition cases is the comparable sales method. The comparable sales i.e. the lands sought to be compared must be similar in nature and potentiality.

Again, in the absence of sale deeds, the judgments and awards passed in respect of acquisition of lands, made in the same village and/or neighbouring villages can be accepted as valid piece of evidence and provide a sound basis to determine the market value of the land after suitable adjustments with regard to positive and negative factors enumerated in Sections 23 and 24 of the Act. Undoubtedly, an element of some guesswork is involved in the entire exercise.”

“12. In Shaji Kuriakose v. Indian Oil Corpn. Ltd. [(2001) 7 SCC 650] this Court had observed as under: (SCC pp. 652-53, para 3)

3. ... While fixing the market value of the acquired land, comparable sales method of valuation is preferred than other methods of valuation of land such as capitalisation of net income method or expert opinion method. Comparable sales method of valuation is preferred because it furnishes the evidence for determination of the market value of the acquired land at which a willing purchaser would pay for the acquired land if it had been sold in the open market at the time of issue of notification under Section 4 of the Act. However, comparable sales method of valuation of land for fixing the market value of the acquired land is not always conclusive. There are certain factors which are required to be fulfilled and on fulfilment of those factors the compensation can be awarded, according to the value of the land reflected in the sales. The factors laid down inter alia are: (1) the sale must be a genuine transaction, (2) that the sale deed must have been executed at the time proximate to the date of issue of notification under Section 4 of the Act, (3) that the land covered by the sale must be in the vicinity of the acquired land, (4) that the land covered by the sales must be similar to the acquired land, and (5) that the size of plot of the land covered by the sales be comparable to the land acquired. If all these factors are satisfied, then there is no reason why the sale value of the land covered by the sales be not given for the acquired land. However, if there is a dissimilarity in regard to locality, shape, site or nature of land between land covered by sales and land acquired, it is open to the court to proportionately reduce the compensation for acquired land than what is reflected in the sales depending upon the disadvantages attached with the acquired land.”

“13. Yet again in Viluben Jhalejar Contractor v. State of Gujarat [(2005) 4 SCC 789] making reference to a number of cases on the point, it was observed as follows: (SCC pp. 796-97, paras 18-20)

“18. One of the principles for determination of the amount of compensation for acquisition of land would be the willingness of an informed buyer to offer the price therefor. It is beyond any cavil that the price of the land which a willing and informed

buyer would offer would be different in the cases where the owner is in possession and enjoyment of the property and in the cases where he is not.

19. Market value is ordinarily the price the property may fetch in the open market if sold by a willing seller unaffected by the special needs of a particular purchase. Where definite material is not forthcoming either in the shape of sales of similar lands in the neighbourhood at or about the date of notification under Section 4(1) or otherwise, other sale instances as well as other evidences have to be considered.

20. The amount of compensation cannot be ascertained with mathematical accuracy. A comparable instance has to be identified having regard to the proximity from time angle as well as proximity from situation angle. For determining the market value of the land under acquisition, suitable adjustment has to be made having regard to various positive and negative factors vis-à-vis the land under acquisition by placing the two in juxtaposition. The positive and negative factors are as under:

Positive factors		Negative factors	
(i)	<i>smallness of size</i>	(i)	<i>largeness of area</i>
(ii)	<i>proximity to a road</i>	(ii)	<i>situation in the interior at a distance from the road</i>
(iii)	<i>frontage on a road</i>	(iii)	<i>narrow strip of land with very small frontage compared to depth</i>
(iv)	<i>nearness to developed area</i>	(iv)	<i>lower level requiring the depressed portion to be filled up</i>
(v)	<i>regular shape</i>	(v)	<i>remoteness from developed locality</i>
(vi)	<i>level vis-à-vis land under acquisition</i>	(vi)	<i>some special disadvantageous factors which would deter a purchaser</i>
(vii)	<i>special value for an owner of an adjoining property to whom it may have some very special advantage"</i>		

"14. Thus, comparable sale instances of similar lands in the neighbourhood at or about the date of notification under Section 4(1) of the Act are the best guide for determination of the market value of the land to arrive at a fair estimate of the amount of compensation payable to a landowner. Nevertheless, while ascertaining compensation, it is the duty of the Court to see that the compensation so determined is just and fair not merely to the individual whose property has been acquired but also to the public which is to pay for it."

2. (2004) 10 SCC 745 Kiran Tandon Vs. Allahabad Development Authority & anr.” wherein it has been held as under:-

“10. Before examining the merits of the contentions raised, it will be useful to bear in mind the legal principle in the matter of determination of compensation. The Collector's award under Section 11 is nothing more than an offer of compensation made by the Government to the claimants whose property is acquired. The burden of proving that the amount of compensation awarded by the Collector is inadequate lies upon the claimant and he is in the position of a plaintiff. The court has to treat the reference as an original proceeding before it and determine the market value afresh on the basis of the material produced before it. The claimant is in the position of a plaintiff who has to show that the price offered for his land in the award is inadequate on the basis of the materials produced in the court. The material produced and proved by the other side will also be taken into account for this purpose. (See Chimanlal Hargovinddas v. Special Land Acquisition Officer [(1988) 3 SCC 751: AIR 1988 SC 1652] and Periyar and Pareekanni Rubbers Ltd. v. State of Kerala [(1991) 4 SCC 195: AIR 1990 SC 2192] .)

3. (2003) 4 SCC 481 “Ravinder Narain & anr. Vs. Union of India” wherein it has been held as under:-

“8. In the case of Suresh Kumar v. Town Improvement Trust, Bhopal [(1989) 1 SVLR (C) 399] in a case under the Madhya Pradesh Town Improvement Trust Act, 1960 this Court held that the rates paid for small parcels of land do not provide a useful guide for determining the market value of the land acquired. While determining the market value of the land acquired, it has to be correctly determined and paid so that there is neither unjust enrichment on the part of the acquirer nor undue deprivation on the part of the owner. It is an accepted principle as laid down in the case of Vyricherla Narayana Gajapatiraju v. Revenue Divisional Officer [AIR 1939 PC 98 : 66 IA 104] that the compensation must be determined by reference to the price which a willing vendor might reasonably expect to receive from the willing purchaser. While considering the market value disinclination of the vendor to part with his land and the urgent necessity of the purchaser to buy it must alike be disregarded, neither must be considered as acting under any compulsion. The value of the land is not to be estimated as its value to the purchaser. But similarly this does not mean that the fact that some particular purchaser might desire the land more than others is to be disregarded. The wish of a particular purchaser, though not his compulsion may always be taken into consideration for what it is

worth. Section 23 of the Act enumerates the matters to be considered in determining compensation. The first criterion to be taken into consideration is the market value of the land on the date of the publication of the notification under Section 4(1). Similarly, Section 24 of the Act enumerates the matters which the court shall not take into consideration in determining the compensation. A safeguard is provided in Section 25 of the Act that the amount of compensation to be awarded by the court shall not be less than the amount awarded by the Collector under Section 11. Value of the potentiality is to be determined on such materials as are available and without indulgence in any fits of imagination. Impracticability of determining the potential value is writ large in almost all cases. There is bound to be some amount of guesswork involved while determining the potentiality.”

“9. It can be broadly stated that the element of speculation is reduced to a minimum if the underlying principles of fixation of market value with reference to comparable sales are made:

- (i) when sale is within a reasonable time of the date of notification under Section 4(1);
- (ii) it should be a bona fide transaction;
- (iii) it should be of the land acquired or of the land adjacent to the land acquired; and
- (iv) it should possess similar advantages.

4. (2010) 1 SCC 444 “Subh Ram & ors. Vs. State of Haryana & anr.” wherein it has been held as under:-

“26. Section 24 of the Land Acquisition Act prohibits the court from taking into consideration any increase to the value of the land acquired, likely to accrue from the use to which it will be put when acquired. A three-Judge Bench of this Court in Tarlochan Singh v. State of Punjab [(1995) 2 SCC 424] held: (SCC p. 426, para 5)

“5. ... Section 24 of the Land Acquisition Act expressly prohibits and puts an embargo on the Court in taking the factors mentioned in Section 24 as relevant in determining the market value. Under these circumstances, the future development and potential prospective use of the acquisition, etc., are not relevant circumstances. Even the purpose of acquisition is not relevant.”

(emphasis supplied)

The above position was reiterated in Raj Kumar v. State of Punjab [(1995) 3 SCC 121] . This Court held: (SCC p. 122, para 3)

“3. ... The purpose of acquisition i.e. to establish market and on its account the lands are possessing potential value, is irrelevant by operation of Section 24 of the Act.”

“33. Learned counsel for the appellants lastly contended that having regard to two judgments of the Punjab and Haryana High Court relating to acquisition in the same village in Azad Singh v. State of Haryana [RFA No. 2 of 1991 decided on 30-9-1997 (P&H)] and Kabul Singh v. State of Haryana [RFA No. 556 of 1994 decided on 13-5-1999 (P&H)] the compensation to be awarded should not be less than Rs 68 (plus 25%) per square yard. In both cases Rs 68 per square yard was awarded as compensation for acquisitions of land in Village Jharsa in the years 1982 and 1983. It was also submitted that as the subject acquisition was two years later in 1984, at least 25% should be added to Rs 68 per square yard. But the map of the area produced by the appellants shows that the lands which are the subject-matter of those two decisions are more advantageously situated as they adjoin National Highway 8 and are next to well-developed areas (like Hidayatpur Cantonment, etc.) whereas the acquired lands are farther away from National Highway 8 and any developed area. Hence, the said decisions, though relating to Jharsa Village, are not of any assistance.”

[15] I have heard the rival submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record. I have also carefully perused the impugned judgements rendered by the learned District Judge, Imphal East in OS (LA) Case No. 2 of 2009/43 of 2013 and OS (LA) Case No. 3 of 2009/45 of 2013.

[16] The first contention made on behalf of the land owners/ claimants is that as per the registered Sale Deed executed in the year 2004, the price of the said lands was fixed at ₹ 27 per sq. ft. and that the said lands were also acquired in the present land acquisition proceedings and the rate of compensation for the said lands was fixed at only ₹ 9.92 per sq. ft. According to the claimants, the price of the said lands after three years should be increased at least three times the value of the lands which was fixed earlier, at least at ₹ 81 per sq. ft. These contentions were specifically

considered by the learned District Judge and declined to accept such claims on the ground that such claims are not supported by any provisions of law. The learned District Judge, thereafter, fixed the amount of compensation for the acquired lands at ₹ 60 per sq. ft. for homestead land and at ₹ 40 per sq. ft. for the agricultural land after taking into consideration the rate of compensation given by the Government in the other land acquisition proceedings. The land owners/ claimants neither produced any additional materials nor gave any satisfactory reasons to satisfy this court to come to the conclusion that the rate of compensation fixed by the learned District Judge is unreasonable and as such, this court is not inclined to interfere with the impugned judgment and order rendered by the learned District Judge on this ground.

[17] The second contention made on behalf of the land owners/ claimants is that by an order dated 14-11-2002 issued by the Collector of Land Acquisition, Thoubal for acquiring homestead lands at Lilong Bazar in Thoubal District, the rate of compensation for the said lands was fixed at ₹ 137 per sq. ft. According to the land owners/ claimants, as their lands are situated more nearer to the Imphal town and as their lands were acquired in the year 2007, the rate of their acquired lands should be more than the earlier rate of compensation or atleast at par with the earlier rate of compensation. In connection with this contention, it is to be pointed out that the area in and around the Lilong Bazar is highly commercial area whereas the acquired lands of the land owners/ claimants are situated in the outskirt

of the Imphal town without any immediate commercial value. In my considered view, the rate of the lands situated in and around a Bazar area having high commercial value will naturally have a higher rate than the rate of the lands situated at the outskirts of the Imphal town having no immediate commercial value. Accordingly, this court is not inclined to interfere with the impugned judgment of the learned District Judge and to enhance the rate of compensation.

[18] The next contention made on behalf of the land owners/claimants is that in respect of a claimant, viz., Laishram Suresh Singh, the rate of compensation with regard to his land acquired by the authorities in the same land acquisition proceedings was enhanced from ₹ 9.91 per sq. ft. to ₹ 100 per sq. ft. by an order dated 21-06-2011 passed by the erstwhile court of District Judge, Manipur East in Original (LA) Suit No. 4 of 2009. According to the claimants, they are also entitled to get the same rate of compensation for their acquired lands as their lands are situated in the vicinity of the land of the said Laishram Suresh Singh. On perusal of the said order dated 21-06-2011 passed by the learned District Judge, Manipur East in Original (LA) Suit No. 4 of 2009, this court found that the rate of the acquired land belonging to the said Laishram Suresh Singh was enhanced on the basis of a Land Valuation Report given by an approved Panel Valuer and other evidences adduced on behalf of the said claimant. The relevant portion of the said order of the District Judge, Imphal East are reproduced hereunder for ready reference:-

“13. Thokchom Buddhahir, aged about 54 years, S/O. (L) Th. Nabachandra Singh of Singjamei Thouchom Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur (P.W. No. 3) has deposed that he is a Panel Valuer of the State Bank of India by profession. He knows Shri Laishram Suresh Singh. As requested by Shri Laishram Suresh Singh, on 30-07-2008, he had inspected the land under patta No. 52/1412, covered by C.S. Dag No. 1290 and 1292 and standing properties thereon on 01-08-2008, measuring an area of 0.885 acres, situated at 68-Kiyamgei Village and made the valuation on 01-08-2008. The land is well developed and residential in nature and commercial one. At the time of inspection of the said land the same have a Pucca road and the size of the area is 38551 sq. ft. At the time of assessment of the value of the land, the value of the said land as per prevailing market rate is Rs.100/- to Rs.150/- per sq. ft. but the value of the same is assessed/ adopted at Rs.100/- per sq. ft. and hence the estimated value of the said land is Rs.38,55,060/- (Rupees thirty eight lakhs fifty thousand and sixty) only and expenditure for land development is Rs. 14,12,326/-(Rupees fourteen lakhs twelve thousand three hundred and twenty six) only.”

[19] In view of the above facts, this court is not inclined to accept the contentions made on behalf of the land owners/ claimants that they are also entitled to get such rate of compensation for their acquired lands as they have failed to produce such materials or evidences as in the case of the said Shri Laishram Suresh Singh.

[20] It has been contended by the learned GA appearing on behalf of the State authorities that as the land owners/ claimants have already accepted the award passed by the Collector of Land Acquisition without any protest, the reference made by the said Collector was illegal and not maintainable. On examination of the materials available on record, this court found that at the time of accepting the award passed by the Collector of Land Acquisition, all the present land owners/ claimants withdraw or accepted the compensation amount under protest and accordingly, this court is of the considered view that the contention made on behalf of the

State authorities is not found to be correct and that such contention is contrary to the materials available on record. Accordingly, this court rejected such contention made by the learned GA.

[21] On careful perusal of the judgment and order dated 23-03-2021 passed by this court in LA Appeal No. 2 of 2023, it is found that the said appeal was proceeded and decided ex-parte against the land owners/ claimants and the same is recorded at para. 7 of the said judgment and order. At para. 6 of the said judgment and order, it is also recorded that the learned GA for the appellants urged that the land owners/ claimants failed to produce any Sale Deed or documents which were executed near the time of publication of Section 4(1) Notification to support the claim for higher rate of market value of the acquired lands and that the reference court has failed to appreciate that the market value of the acquired lands may not be similar in terms of potential and nature of the lands involved. Accepting such contention made by the learned GA and without any contest from the land owners/ claimants, this court passed the said judgment and order and set aside the impugned judgment dated 25-02-2021 passed by the learned District Judge, Imphal East in OS (LA) No. 8 of 2010 and allowed the said appeal.

[22] In my considered view, the determination of the rate of compensation for the acquired lands is to be decided separately on the basis of the claims made by the claimants and the materials or evidences produced by them and that there cannot be a uniform decision or formula

for deciding the rate of compensation for different piece of land belonging to different claimants. Accordingly, this court cannot agree with the contentions made by the learned GA that the present batches of appeals will be covered by the judgment and order dated 20-03-2023 passed by this court in LA Appeal No. 2 of 2023.

[23] Taking into consideration the facts and circumstances of the present case and for the findings and reasons given hereinabove, this court is not inclined to interfere with the impugned judgments passed by the learned District Judge, Imphal East and accordingly, all the appeals are hereby dismissed as having being devoid of merit. However, there will be no order as to cost.

JUDGE

FR / NFR

Devananda