



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

FA No.2/2025 with
MC (FA) No.1/2025

Date of CAV: 11.08.2025

Date of order: 19.08.2025

Special Bureau, Government of India represented by the Commissioner,
NE Zone, Springside, Jingkieng, Shillong. Appellant

Vs.

1. Shri Wallamphang Roy

2. The Collector, East Khasi Hills District, Shillong, Meghalaya

..... Respondents

Coram:

Hon'ble Mr. I.P. Mukerji, Chief Justice

Appearance:

For the Appellant : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv

For the Respondents : Mr. D.K. Mishra, Sr.Adv with
Mr. R. Kharkrang, Adv for R/1
None for R/2

JUDGMENT:

This is a first appeal. It arises out of a judgment and order pronounced on 20th February, 2024 made in a Land Acquisition case (LA Case No.17 of 2013) by the Special Judicial Officer, East Khasi Hills, Shillong. The appellant before me is the Special Bureau,



Government of India through the Commissioner, N.E. Zone, Springside, Jingkieng, Shillong.

The respondent had a piece and parcel of land at Lumbatngen, Nongthymmai, Law-U-Sib, East Khasi Hills district, Shillong measuring about 3.463 acres. It was acquired, by a process initiated in 2007 under Section 4 of the Land Acquisition Act, 1894 by the State of Meghalaya for the purpose of building offices and residential quarters for the appellant.

On acquisition of this land, the Land Acquisition Collector by his award assessed the compensation to be ₹2,41,35,725/- calculated at the rate of ₹160/- per square foot of land. Aggrieved by this award of compensation, the respondent made a reference under Section 18 of the said Act before the court of the Special Judicial Officer. The said court by its judgment and order dated 20th February, 2025 enhanced the rate of compensation to ₹300/- per square foot. Thus, the respondent would get compensation of ₹4,52,54,484/- out of which ₹2,41,35,725/- had already paid further to the Collector's award. Therefore, ₹2,11,18,759/- together with solatium assessed at ₹63,35,627.70/- and additional



compensation of ₹9,36,492/- (₹17,55,626/- was payable of which ₹8,19,134/- had been paid) was payable to the respondent. The learned judge also granted interest on the aforesaid sum.

The Special Bureau, Government of India appeals to this Court.

The compensation amount is computed by the Land Acquisition Collector. All the evidence concerning market value of the acquired land at the time of acquisition of the land is considered by him before making the award. The market value of land is not like the value of a piece of furniture on a particular date which can be determined with a high degree of exactitude. The market value of real property is expressed as an expert opinion rendered on consideration of certain acceptable principles and standards for property valuation. An adjudicatory authority, be it the Land Acquisition Collector or a Special Judicial Officer (under Section 18 of the said Act) can only express an opinion based on the evidence before the court. That evidence may also include opinion evidence of an expert or experts which might be called by the parties or relied upon by the judge.



When this determination of market valuation is challenged before the High Court in a first appeal, the court should refrain from evaluating the facts and evidence afresh or try to form an independent opinion on those facts and evidence. It should not interfere with the findings and conclusions drawn by the trial judge under Section 18 simply because the appellate court's interpretation of the evidence and finding on facts is different from those of the trial judge. The discretion used by the trial judge is to be respected. It is not to be interfered with unless a gross and palpable error is shown in the appreciation of facts or law by the court or the learned judge has taken into account extraneous materials, or that the order is most unreasonable, arbitrary, mala fide, in breach of the principles of natural justice or perverse. If none of these vitiating factors is present in the impugned judgment and order, the appellate court should not substitute its own perception of market value for that found by the trial judge but instead affirm the order of the trial judge.



I have gone through the impugned judgment and order of the learned judge. It is very detailed. She has considered each and every material fact and the evidence in support of it.

The material evidence before the trial judge was the certificate dated 12th August, 2003 issued from the office of the Deputy Commissioner, East Khasi Hills District, Shillong stating that the valuation of the subject land was ₹200/- per square foot. This was exhibit 16 in the proceedings and to be found at page 131 of the paper-book. The learned judge has also taken into account an agreement for sale between Mayanti Sawian Roy and Anthony Pariat executed on 29th August, 2006 closer to the date of acquisition of the subject property, conveying 4734 square feet situated at Law-U-Sib/Mawlynter, Nongthymmai, Shillong-793014 and the subsequent sale deed of the said parcel of land in completion of the said agreement for sale by a sale deed dated 27th June, 2007 (exhibit 18). The sale value was taken to be ₹14,20,000/-. The value of land according to this sale deed was ₹300 per square foot. This piece and parcel of land was very close to the subject land and more or less of the same description and type. There



was no evidence to contradict the authenticity or genuineness of this sale transaction which was concluded before the Collector published his award.

Mr. Mishra, learned Senior Advocate appearing for the respondent No.1 contended that the Land Acquisition Collector had relied on the said valuation made on 12th August, 2003 by the Deputy Commissioner's office which is known as the circle rate or the government rate which may or may not be equivalent to the market rate. The contemporaneous sale of the said Law-U-Sib/Mawlynter, Nongthymmai, Shillong-793014 of Mayanti Sawian Roy was more reflective of the market rate.

The above property of Law-U-Sib/Mawlynter, Nongthymmai, Shillong-793014 was sold at the rate of ₹300/- per square foot. In my opinion, the learned Special Judicial Officer correctly took ₹300/- per square foot as the market value and revised the market value of the land acquisition Collector accordingly.

I find the impugned judgment and order dated 20th February, 2024 to be a proper exercise of discretion and otherwise sound. There is



no scope of any interference save and except that considering the long period of interest payment and involvement of government revenue, the rate of interest at (iv) under the heading calculation at page 45 to 46 of the said judgment shall be at the uniform rate of six per cent simple interest per annum.

The impugned judgment and order dated 20th February, 2024 is affirmed as modified. The appeal and the miscellaneous application are accordingly disposed of.

(I.P. Mukerji)
Chief Justice