IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No.75 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

Puna Ram Mahto, son of Kartik Mahto, resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondent

with

F.A. No.79 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

Surendra Ram Dangi son of Jageshwar Mahto, resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondent

with

F.A. No.80 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

Nageshwar Mahto, son of late Jagdish Mahto, resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondent

with

F.A. No.93 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

1.Pancham Mahto son of Tikeshwar Mahto

2.Sunil Kumar son of late Dineshwar Mahto, both resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondents

with

F.A. No.103 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

Mahabir Mahto, son of Baldeo Mahto, resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondent

with

F.A. No.107 of 2014

Deputy Commissioner, Hazaribagh (Now Ramgarh), P.O & P.S. Hazaribagh, District-Hazaribagh …… Appellant

Versus

1.Kapil Deo Swarnkar
2.Shiv Narayan
3.Krishna Kumar
4.Raghunnath Swarnkar, all son of late Murli Sonar, resident of village-Dabhatu, P.O & P.S-Gola, District-Hazaribagh now Ramgarh ……. Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellants : Mr. Om Prakash Tiwari, G.P.-III
: Mr. Sachin Kumar, A.C to S.C-I
For the Respondents : Mr. Anup Kumar, Advocate
: Mr. Atma Ram Choudhary, Advocate

CAVon:17th June, 2026 **Delivered on: 01/09/2026**

These First Appeals have been filed on behalf of the appellant (i.e. Deputy Commissioner, Hazaribagh (Now Ramgarh) challenging the common Judgment and Award dated 29.02.2012 (award signed on 15.03.2012) passed by Sri Girijesh Kumar Dubey, Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh in L.R. Case No.105/2009 to 137 of 2009 by which the learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh has awarded the compensation to the tune of Rs.8923/- per decimal land of the area in question to the respondents.

2. The brief fact of the case, is that 9.27 acres of land in village Dabhatu, P.S-Gola, District Hazaribag (Now Ramgarh) have been acquired for the purpose of Bhairwa Jalashya Project by the Government Authority for which Declaration No.541 dated 20.11.2003 was made and it was published in District Gazette on 02.12.2003. After observing all the formalities various awards have been prepared by the Collector fixing rate

of compensation in favour of the respondents. These respondents being aggrieved by the compensation had raised objection under section 18 of the L.A. Act before the Land Acquisition Officer, Hazaribag and the same was referred to learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh to decide the issue.

3. The case of the respondents of F.A. No.75 of 2014, F.A. No.79 of 2014, F.A. No.80 of 2014, F.A. No.93 of 2014, F.A. No.103 of 2014, F.A. No.107 of 2014, in brief, is that they are the raiyats of village-Dabhatu, P.S-Gola, District-Hazaribag (now Ramgarh). It has been stated that the respondents have received the compensation amount under protest and the award has been made arbitrarily without observing the formalities as required under the L.A Act. It is further stated that compensation so fixed is neither according to prevailing market rate of the land nor the rate fixed by the State Government of Jharkhand because the future potentiality, usefulness and prospect of the land have not been considered by the authorities. The land so acquired has been changed in character and the entire acquired lands are Class-I land which are fit for construction of shops and houses.

It is also pleaded that the Land Acquisition Officer has failed to take notice of the fact that entire area within Gola P.S. including the village under reference has emerged as industrial developing area because the acquired lands are situated near Gola Town which is only one kilometer far from the acquired land. The land under acquisition are much fertile and the people used to grow two crops in a year and commercial crops which gave them a lot of return in a year. The industrial and commercial activities in the vicinity and adjacent village of Gola Town there is a big Market, Gola Railway Station, Block Office, Post Office, Hospital, Nursing Home, National Highway, Power

Station, Coal Mines of Rajrappa Colliery which increase the usefulness and potentiality of the land. The respondents are cultivators and used to grow two crops and vegetables all through the year over the land under acquisition and the lands have irrigational facility through Sikidari Dam. The last cadastral survey settlement had been done before hundred years ago and the land have shown as inferior class but now a days by conversion and re-classification, the lands have made cultivable as Dhan-I but Land Acquisition Officer has not considered this aspect regarding change of classification of lands in question.

It is further stated that there are several fruits tree on the land acquired but the prices of trees have not taken into consideration and also not considered the commercial trees standing over the land under acquisition. However, the respondents made objection for preparing the compensation at the rate of Rs.10,000/- per decimal and the respondents are entitled to get higher compensation of their land at the rate of Rs.10,000/- per decimal as per prevailing market rate, besides solatium and other benefits as provided under the law.

4. Heard the learned counsel for the appellant and the learned counsel for the respondents in all the above mentioned First Appeals.

5. Learned counsel for the appellant, in all the cases, has submitted the impugned Judgment and Award dated 29.02.2012 (Award signed on 15.03.2012) passed by Sri Girijesh Kumar Dubey, Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh in L.R Case No.129 of 2009, L.R Case No.132 of 2009, L.R Case No.137 of 2009, L.R Case No.110 of 2009, L.R Case No.123 of 2009 and L.R Case No.125 of 2009, (arising out of L.A Case No.07 of 2002-03) are illegal, arbitrary and not sustainable in law. It has been

submitted that the learned Civil Judge (Senior Division) II-cum-Special Judge, has not evaluated the evidence available on record in proper perspective and has wrongly relied on the evidences of the respondents and wrongly discarded the evidence of the appellant.

It is submitted that the reference u/s 18 of the Land Acquisition Act itself was bad and the application of the respondents for reference u/s 18 of the Land Acquisition Act was barred by limitation u/s 18 of the Land Acquisition Act itself and the learned court below had not framed a specific issue on this issue and ought to have decided this question prior to proceeding to decide the question of just and adequate compensation for the acquired land.

It is further submitted that since all the respondents have accepted the amount of Award made by the Collector in aforesaid Reference and have, no reference u/s 18 of the Land Acquisition Act could have been made.

It has been submitted that the claimants had failed to bring on record the prevailing market price for the adjacent land in the village, when the land was notified u/s 4 of the Land Acquisition Act for acquisition and which could have been the only basis for determination of just compensation for the acquired lands.

It has further been submitted that the claimants have also failed to bring on record any evidence with regard to potentially of the land, annual income derived from the land, extent of damage due to acquisition and the future prospect because the acquired land was situated in remote village and not adjacent to G.T. Road/N.H. Road.

It is also submitted that learned court below has wrongly fixed the compensation on highly inflated rate at Rs.8923/- per decimals on flat rate for all class of land.

It has been submitted that the claimants had not produced any document showing current market rate. The documents produced by the claimants were Ext. 2 and 2/A sale transactions which did not at all reflect the current market rate at the time of the acquisition of the lands in question.

It has been submitted that learned Court below has not considered Ext.-A, Ext.-B, Ext.-C and Ext.-D filed on behalf of the appellant. Therefore, the judgment and Award dated 29.02.2012 passed by the learned Civil Judge (Senior Division) II-cum-Special Judge may be set aside and all the First Appeals mentioned above may be allowed.

6. On the other hand, learned counsel for the respondents in all these appeals, has submitted that the impugned judgment and Award dated 29.02.2012 prepared by the learned Civil Judge (Senior Division) II-cum-Special Judge is fit and proper and no interference is required from this Court. It has been submitted that these above First Appeals are devoid of merit. It is submitted that evidences of A.W-1, A.W-2 and A.W-3 namely, Arun Chandra Dangi, Roshan Kumar, and Baldas Mahto have been fully considered by the learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition and their evidence support the case of the respondents on the part of future prospect and market rate of the lands in question.

It is submitted that Ext-A is the order sheet with reference for the acquisition of land of village Dabhatu, P.S-Gola, Thana no. 25, District-Ramgarh measuring an area 17.80 acres vide notification no. 42 dated 15.1.2002 whereas Ext-B is the copy of original Awards with respect to the land measuring 17.80 acres of village Dabhatu in which the Awards had been prepared in the name of several awardees.

7. It is submitted that Ext-C, is a sale chart for the acquisition of project Bhairwa Jalashya and it reveals that the transaction of 55 registered deed of sale have been mentioned. 33 deeds are of 2002 and 07 deeds are of 2001 and 23 deeds are of 2001 whereas Ext-D is the khatiyan for the lands acquired the raiyats (awardee).

It is submitted that the Government authorities have collected the 55 deeds but have not considered the transaction of highest price which has been mentioned in serial no. 21 of Ext-C. The Government authorities have also not assigned any cogent reason to discard this transaction and without assigning any cogent reason they have referred the lowest rate mentioned in registered deed and determined the amount of compensation after making an average price of the lands.

8. Learned counsel for the respondents in support of the case has relied upon the certain judgments which are as follows:-

(i) 1961 SCC OnLine SC 140,
(ii) 2010 SCC OnLine SC 1394,
(iii) 2010 SCC OnLine SC 516,
(iv) 1991 SCC OnLine SC 260,
(v) 1963 SCC OnLine SC 305,
(vi) 1994 SCC OnLine SC 155,
(vii) 2012 SCC OnLine SC 381,
(viii) 2025 SCC OnLine SC 715,
(ix) 2010 SCC OnLine SC 1035 and
(x) F.A No.91 of 2014 (Deputy Commissioner, Hazaribagh (Now Ramgarh) Dist Hazaribagh vs. Arun Chandra Dangi.

Hence, all the above first appeals i.e., F.A. No.75 of 2014, F.A. No.79 of 2014, F.A. No.80 of 2014, F.A. No.93 of 2014, F.A. No.103 of 2014, F.A. No.107 of 2014 may be dismissed.

9. Perused the Trial Court records received from the Court of learned Civil Judge (Senior Division) II-cum-Special Judge, Land

Acquisition, Hazaribagh and considered the submission of both the sides.

10. Before proceeding further in these cases, it is relevant to refer here that it reveals from the order dated 12.09.2022 passed by the Co-ordinate Bench (Hon'ble Mr. Justice Anil Kumar Choudhary) of this Court that the F.A No.75 of 2022 has stood abated against the Respondent No.2 (deceased) and no step has been taken for bringing on record the legal heirs of the Respondent No.2 and for setting aside the abatement order in respect of the Respondent No.2 of F.A. No.75 of 2014.

11. It transpires that the Awardees-Respondents in support of their case have got examined three witnesses, who are as follows:-

(i) A.W-1 is Arun Chandra Dangi,

(ii) A.W-2 is Roshan Kumar and

(iii) A.W-3 is Baldas Mahto.

12. The respondents in support of their case, got proved the following documents as the exhibits, which are as follows:-

(i) Exhibit-1 is certified copy of the judgment of L.R Case No.244/07 to 250/07.

(ii) Exhibit-2 is certified copy of the sale deed no.5777 dated 28.01.2002 with respect to the land of Mouza Dabhatu, Khata No.12, Thana No.25, Plot No.517 having an area of 6 ½ decimals.

(iii) Exhibit-2/A is certified copy of the sale deed no.191 dated 24.01.1992 with respect to the land of Mouza Dabhatu, appertaining to Khata No.55, Touzi No.28, Plot No.148 having an area of 43 decimals.

13. The appellant in support of its case, has got examined one (01) witness i.e. O.P.W-1-Binay Kumar Singh, a Kanungo in District Land Acquisition Officer, Hazaribag.

14. The Appellant in support of its case has got proved the several documents as the exhibits, which are as follows:-

(i) Exhibit-A is order sheet in L.A. Case No.07 of 2002-03,

(ii) Exhibit-B is proceeding under section 11 of L.A Act and award vide L.A. Case No.07/2002-03 of village Dabhatu,

(iii) Exhibit-C is the certified copy of permanent khatiyan of village Dabhatu, P.S-Gola, Khata No.2, Thana No.25 which was marked in L.A No.07/2002-03 and also contained the nature of land

(iv) Exhibit-D is the valuation Khatiyan filed in L.A Case No.07/2002-03 (but in which village, mouza, and pargana are illegible).

15. It appears from the impugned Judgment and Award that the State authority had produced 15 deeds of 2000, 5 deeds of 2001 and 21 deeds of 2002 for determination of compensation amount of the entire acquired land.

16. It reveals from the records that the notification of the acquisition of land was made on vide declaration no. 546 dated 20.11.2003 and it was published in gazette on 02.12.2003. Ext-C shows that there are 33 transactions have been made in the year 2002 on the different rates in which some are of higher price and some are of lower price.

17. However, the Trial Court i.e. Sri Girijesh Kumar Dubey, Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh although has observed that the applicants-respondents have been able to adduce only one sale deed for the year 2002 and the land sold for at the rate of Rs.15,538.46 paise per decimals.

18. The learned Trial Court has also relied upon the Ext-1, which is the certified copy of the judgment passed in L.R. Case no. 244/07 to 250/07 by which the rate of the land was fixed on the average amount to the extent of Rs.8,923/- per decimal.

19. The learned Trial Court also observed in this reference case also that total acquired lands are similar in nature and hence, ignoring the classification of lands the amount of compensation is assessed at the flat rate of Rs. 8,923/- per decimal.

20. It further transpires that the learned Trial Court has mainly decided compensation @ Rs.8,923/- per decimal on the basis of judgment passed in L.R. No.244 of 2007 to L.R. No.250 of 2007 on 11.07.2008 which has been marked as Exhibit-1 before the learned Trial Court i.e. learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh.

21. It further reveals that Exhibit-2 and Exhibit-2/A are the certified copy of sale deeds. Exhibit-2 is the sale deed dated 28.01.2002 executed by Vinod Prasad and Vijay Prasad in favour of Mihir Chandra Poddar, Dhanpati Chandra Poddar and others on 28.01.2002 for selling 6 and 1/2 decimal land of Plot No.598, Khata No.12, Khewat No (illegible), Tauzi No.281 on payment of Rs.1,01,000/- (Rs. One Lakh one Thousand) whereas, Exhibit-2/A is the scanned copy of certified copy of the sale deed dated 24.01.1992 with respect to the land of Mouza Dabhatu (illegible in Trial Court Record).

22. So far as oral evidence is concerned, A.W-1 is Arun Chandra Dangi who has filed evidence on an affidavit stating therein that he is one of the applicant of this case and land of village Dabhatu was acquired for the purpose of canal construction with regard to '*Bhairwa Jalasaya'* and the said land is situated at a distance of village Dabhatu, Prakhand Gola. He has also stated that the land is situated in the middle between Gola to Muri road for going to Calcutta and situated at National Highway and there is facility of electricity, water and bank at village Dabhatu. He also stated that all the lands of village

Dabhatu are used for agriculture purpose and paddy, wheat, potato, dhania and onion are cultivated and the applicants are dependent upon the said lands.

During cross-examination, he stated that people of the village do not leave the land parti (i.e. vacant). He denied the suggestion that land was parti at the time of acquisition of land. He asserted that 3-4 crops were cultivated over the said lands.

23. Thus, from the evidence of A.W-1, it is not clear regarding the price of the land or the market area of the land. He has merely claimed that the land is cultivable and the crops were being grown.

24. A.W-2 is Roshan Kumar, who has also stated the same fact as stated by A.W-1 in his evidence and hence the same is not being repeated.

During his cross-examination, he asserted that the disputed land was used for cultivation and the Government hospital is situated at a distance of half (1/2) kilometer from Mouza Dabhatu. Even price of the land is not stated by the witness-A.W-2 also.

Thus evidence of A.W.2 is also formal in nature but he has been examined on the point of future prospect of the lands in question.

25. A.W-3 is Baldas Mahto who also stated the same fact as stated by A.W-1 in his evidence and hence the same is not being repeated here.

During his cross-examination, he claimed that he has got two Acres of land at village Dabhatu. A.W-3 has also not stated about the price of the land which was sold prior to acquisition.

26. O.P.W-1 is Binay Kumar Singh, who was In-charge Kanungo in the office of Land Acquisition Officer, Hazaribagh and he has been examined on the point of acquisition of land

and proved the documents which were used during process of acquisition of land in question. He has proved the order sheet (two pages) and concerned pages (illegible in 16 pages) and proved the sale chart (five pages) and valuation khatiyan (13 pages) and which had been marked as Exhibit-A, Exhibit-B and Exhibit-C respectively.

27. During cross-examination, he stated that there is a big vegetable market between Mouza Dabhatu and village Heremarwa. He also stated that the valuation khatiyan is prepared on the basis of sale deed of Registry Office. However, he admitted regarding existence of bank, hospital, power station at Gola. He denied the suggestion for making less valuation of the land.

28. It further transpires that the Objector-Respondents had also adduced two deeds of sale which are mentioned as Ext-2 and Ext-2/A respectively executed in the year 2002 and 1992:-

(i) Ext-2 reveals that 6, ½ decimals of land have been sold for Rs. 1,01000/- at the rate of Rs.15,538.46 paise per decimal.

(ii) Ext-2/A is for an area of 2, 1/3 decimals for Rs. 20,000/- at the rate of Rs. 8,695.65 paise per decimals. Ext-2/A is the sale deed of the year 1992.

29. It transpires that the learned court below has failed to consider that the claimants-respondents had examined only three (03) witnesses namely AW-1 Arun Chandra Dangi, AW-2 Roshan Kumar, AW-3 Baldas Mahto whose lands have been acquired but from their evidence also nothing material has come out which could justify claim for higher compensation. They are interested witnesses and they have simply made oral statements and relied at the earlier judgment Ext-1.

30. It further reveals from the impugned judgment that the learned Trial Court has discarded Exhibit-2 and Exhibit-2/A on the ground that they have no relevancy in the matter. However, learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh has taken notice of the fact that the State Government has compiled thirty three (33) deeds executed in the year 2002 and has merely observed that the transaction has been made on different dates but the said different dates have not been quoted.

31. It further appears from para 17 of the impugned judgment that the learned Trial Court has referred about 33 deeds executed in the year 2002 and in which transactions have been made on different dates. However, the learned Court below has failed to refer the value of said sale deeds as well as the area of the land in question.

32. It further reveals that the learned Civil Judge (Senior Division) II-cum-Special Judge, Hazaribagh was swayed by the fact that his predecessor has passed the judgment in L.R. Case No.244 of 2007 to L.R. Case No.250 of 2007 and which was marked as Exhibit-1 before the learned Trial Court and in the said case the Predecessor of the learned Trial Court i.e. learned Civil Judge (Senior Division) II-cum-Special Judge, Hazaribagh had fixed the average amount of land to the tune of Rs.8,923/- per decimal and the learned Trial Court has relied upon the same and has observed that in this reference case also the total acquired land are similar in nature without referring the case of the said Ext-1.

33. It is evident that Exhibit-A and Exhibit-C have not been properly considered by the learned Trial Court rather the learned Trial Court has referred that some transactions have been made but the amounts shown in Exhibit-A and Exhibit-C have not

been mentioned. Even Ext-D has not been properly considered by the Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh.

34. Even several pages of Ext-C cannot be read which was sent in the Trial Court Record as they are too small to read. Even Ext-D, which has been sent with the Trial Court Record, is not readable and the Trial Court was not careful in sending several pages of Ext-D.

35. Thus, in view of the discussion made above, the Judgment and Award dated 29.02.2012 (Award signed on 15.03.2012) passed by the learned Trial Court is set aside and the matter is remitted before the learned Trial Court, i.e. learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh to decide the same within four months from the date of receipt of the copy of the judgment as the original record, are lying with the learned Trial Court itself.

36. With the above observation and direction, these First Appeals stand disposed of.

37. Let a copy of this judgment be sent to the Court of Sri Girijesh Kumar Dubey, learned Civil Judge (Senior Division) II-cum-Special Judge, Land Acquisition, Hazaribagh/ or his Successor Court.

(Sanjay Prasad, J.)

Dated: 01/09/2026
Saket/-