IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 34 of 2025

Rajendra Ram @ Rajendra Ravidas, age about 52 years, son of Late Mangal Ram, resident of Village- Pochra, P.O.- Barkakana, P.S.- Patratu, District-Ramgarh **… … Appellant**

Versus

1. The Deputy Commissioner Ramgarh, P.O.- Chattermandu, P.S.- Ramgarh, District- Ramgarh
2. Executive, Engineer, Road Construction Department, Road Division Ramgarh, P.O.+ P.S.- Ramgarh, District- Ramgarh

… … Respondents

With

F.A. No. 60 of 2025

Jagdish Ram, age about 52 Years, son of Late Sahdeo Ram, resident of Village- Pochra, P.O.- Barkakana P.S.- Patratu, District – Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner Ramgarh, P.O.+ P.S.+ District- Ramgarh
2. Executive, Engineer, Road Construction Department, Road Division Ramgarh, P.O.+ P.S. + District- Ramgarh

… … Respondents

With

F.A. No. 231 of 2025

Sweta Kumari, age about 36 years, wife of Arjun Ram, resident of Village- Pochra, P.O.- Barkakana, P.S.- Ramgarh, District- Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner Ramgarh, P.O.& P.S.- Ramgarh, District- Ramgarh
2. Executive Engineer, Road Construction Department, Road Division Ramgarh, P.O.& P.S. -Ramgarh, District- Ramgarh.

… Respondents

With

F.A. No. 232 of 2025

Ramesh Gope, age about 44 years, Son of Ramdeo Gope, resident of Village- Bujurg Jamira, P.O.- Barkakana, P.S.- Patratu, District- Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner Ramgarh, P.O. & P.S.- Ramgarh, District- Ramgarh
2. Executive Engineer, Road Construction Department, Road Division Ramgarh, P.O. & P.S.- Ramgarh, District- Ramgarh.

… … Respondents

With

F.A. No. 66 of 2025

Meena Biswash, age about 55 years, W/o Shashankar Biswash, resident of Nehru Road, Ramgarh Cantt., P.O. & P.S.- Ramgarh, District- Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner Ramgarh, P.O.- Chattermandu, P.S.- Ramgarh, District- Ramgarh
2. Executive, Engineer, Road Construction Department, Road Division Ramgarh, P.O.+ P.S.- Ramgarh, District- Ramgarh

…. … Respondents

With

F.A. No. 67 of 2025

Bhuneshwar Ram, aged about 66 years, son of Late Mangal Ram, resident of Village- Pochara, P.O.- Barkakana P.S.- Patratu, District- Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner Ramgarh, P.O.- Chhattermandu, P.S. Ramgarh, District- Ramgarh
2. Executive Engineer, Road Construction Department, Road Division, Ramgarh, P.O.+ P.S.- Ramgarh, District- Ramgarh

… … Respondents

With

F.A. No. 68 of 2025

Fagan Devi, age about 65 years, Wife of Late Chhatu Saw Ram, resident of Village- Pochara, P.O.- Barkakana, P.S.- Patratu, District- Ramgarh

… … **Appellant**

Versus

1. The Deputy Commissioner Ramgarh, P.O. + P.S. + District- Ramgarh
2. Executive, Engineer, Road Construction Department, Road Division Ramgarh, P.O.+ P.S. + District- Ramgarh

… … **Respondents**

With

F.A. No. 109 of 2026

Arun Saw, age about 59 years, S/o Fudan Saw, resident of Village- Ramgarh Sahu Colony, Gola Road, Ramgarh, P.O. & P.S.- Ramgarh, District- Ramgarh

… … Appellant

Versus

1. The Deputy Commissioner, Ramgarh, P.O. + P.S. + District- Ramgarh
2. Executive Engineer, Road Construction Department, Road Division, Ramgarh, P.O. + P.S. + District- Ramgarh

… … Respondents

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Himansu Kumar Mehta, Advocate
: Mr. Ranjan Prasad Sinha, Advocate
: Mr. Sanjeev Thakur, Advocate (In all cases)

For the Respondents : Mr. Sanjay Kumar Tiwari, SC-I
: Mr. Mrinal Kanti Roy, GA-I
: Mr. Krishna Kumar Bhatt, AC to SC-I

: Mr. Kanishka Deo, AC to GP-IV
: Mr. Arun Kumar Dubey, AC to GP-III
(In F.A. No.67/2025 and F.A. No.68/2025)

CAV on 30.04.2026 **Pronounced on 31.07.2026**

1. All these first appeals have been filed under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 against the common Judgement dated 29.04.2024 and the respective awards dated 10.05.2024 passed by the learned Principal District Judge-cum-L.A.R.R.A., Hazaribag in Land Reference Case Nos. 83/2021, 82/2021, 87/2021, 86/2021, 81/2021, 80/2021, 84/2021 and 85/2021 respectively, arising out of L.A. Case No.05/2018-19 in connection with acquisition of lands for the purpose of construction of 4-lane road from Patratu to Ramgarh vide Notification No.378/L.A., Ramgarh dated 20.08.2018 and Declaration No.140/L.A. dated 06.03.2020 whereby and whereunder the learned Principal District Judge-cum-L.A.R.R.A., Hazaribag has enhanced the rate of compensation to Rs.1,00,000/- (Rs. One Crore) per acre from Rs.88,69,400/- per acre as determined by the learned District Land Acquisition Officer, Ramgarh.

2. The learned Principal District Judge-cum-L.A.R.R.A., Hazaribag framed the following point for determination: -

"Whether the compensation awarded to the petitioners should be enhanced?"

3. The applicants/awardees/appellants examined two witnesses in support of their claims. P.W.-1 is Bhuneshwar Ram and P.W.-2 is Meena Bishwash.

4. P.W.-1 (Bhuneshwar Ram) filed his examination-in-chief on affidavit stating that the Government has acquired 0.02 acres of land of Khata No.01 alongwith the lands of other raiyats situated in Mouza Pochra, Thana No. 80, Thana- Patratu, District Ramgarh vide Land Acquisition Case No.05/2018-2019 for the purpose of strengthening and widening the road from Patratu Dam to Ramgarh. The Opposite Party has determined the compensation for his acquired land at a lower rate than the prevailing market value at the time of acquisition and he and the

other raiyats have objections, therefore, all the affected raiyats have filed the case in the court for enhancement of the compensation amount. He further stated that Mouza- Pochra is situated adjacent to Ramgarh and their acquired lands are identical to the acquired lands in Ramgarh and there is no distinction absolutely between their acquired lands and the land acquired in Ramgarh, as Ramgarh Town has expanded at both Ramgarh and Pochra. Pochra lies under Ward No.7 of Ramgarh Cantonment and development of Ramgarh Town has progressed considerably towards their area in course of many years. Pochra is also a part of Ramgarh Town and is situated within the Ramgarh Cantonment. A significant portion of the Punjab Regiment Centre of Ramgarh is situated over the land located within Mauza Pochra. Their acquired land is situated adjacently to the south of the Punjab Regiment. He further stated that they have access of all the amenities and facilities under the Ramgarh Cantonment and all types of taxes are being levied upon and collected from them by the Ramgarh Cantonment. He further stated that the land measuring 14 decimals bearing Plot No.1005, Khata No.150, Mauza- Ramgarh has also been acquired vide Land Acquisition Case No.03/2018-2019 for the same project and a compensation amount of Rs.80,69,712/- has been determined and paid for the same. The acquired lands in Ramgarh and their acquired lands are identical in nature without any difference whatsoever and both the lands have been acquired in the same year and at the same time. He further stated that Plot No.1005 of Mauza Ramgarh has been acquired vide Land Acquisition Case No.03/2018-19 and a drain (nala) of 20 to 25 feet in width lies in the west of this plot and after the drain, Plot No.1529 of Mauza Pochra is situated which has been acquired by the Government vide Land Acquisition Case No.04/2018-19. Accordingly, the distance between Plot No.1005 of Mouza- Ramgarh and Plot No.1529 of Mauza- Pochra is merely 20 to 25 feet. The nature of both the lands is identical and without any difference and both the lands have been acquired in the same year and at the same time and for the same project. He further stated that all the lands situated on the side of the Ramgarh Road are commercial lands and their market value was not less than Rs.8,00,000/-

to Rs.10,00,000/- at the time of acquisition. All the lands of Pochra situated on the side of road are commercial lands. He further stated that considering their lands as urban area, the doubled compensation amount has been paid, which proves that the government has also considered their lands as urban area, but the assessment has been done considering it as rural area, which is incorrect. He further stated that the acquired lands are their purchased lands and the same has been their source of livelihood since the time of their ancestors and they have faith and identification with the acquired lands, but the government did not take it into account while determining the compensation amount, which is unfair. All the raiyats are demanding compensation for their respective lands at a flat rate of Rs.5 crore per acre. The government has determined the compensation for their lands unfairly by classifying it as undeveloped and rural area. He further stated that their village is located in the most developed Patratu Circle of Ramgarh district and the village as well as the surrounding area are quite developed. Their village is situated on the side of the Bhurkunda to Ormanjhi Road and all the amenities of urbanization i.e. electricity, water, roads, medical center, school, college, hospital, banks, markets, shopping centers, post office, residential colony of CCL, Jindal Steel Power Plant, railway station, Barkakana Junction, glass factory, several sponge iron factories and Patratu Thermal Power Plant are available in their village. Being dissatisfied with the compensation amount, all the land owners of Pochra, Ramgarh and Balkudra have filed the case for enhancement of the compensation amount and the type of their lands is same. All the acquired lands are situated within Patratu Circle which is a developed area since many years and the Patratu Circle is considered as an industrial area in Ramgarh district where several mills, collieries, factories, etc. are located since before independence. He further stated that at the time of acquisition, the sale and purchase of the lands adjacent to their acquired lands used to take place between Rs.6,00,000/- to Rs.8,00,000/-. Their lands have been acquired after creation of Ramgarh district in the year 2007 and thereafter, the price of their lands has increased more rapidly. He identified his signature on the affidavit and

stated that he had signed the affidavit after reading it. ***During cross-examination***, he admitted that the type of his land which has been acquired by the government was Tand. He also admitted that he has no knowledge about the government registration value of Tand land in the year 2018-19. Children from his Village- Pochra attend the school at Cantonment Board and thereafter, they attend Ramgarh High School and Ramgarh College. Their Circle Office is at Patratu and they travel by road and rail. He further admitted that he had an asbestos house built on his land, for which he used to pay rent @ Rs.220/- per year to the Cantonment Board, but they have not filed the rent receipts. He further admitted that when people from his village fall sick, they go to Pochra for treatment and then to Ramgarh. He has bank account in Ramgarh. He also admitted that he has not filed any document related to purchase of land in the year 2018-19. There were facilities in their village even before the road was widened by the government. The grocery store is located in Pochra from where they get kerosene, rice and salt. He denied the suggestion that the compensation paid to them for their lands by the government is appropriate and they have filed the case for unfair advantage.

5. P.W.-2 (Meena Bishwash) filed her examination-in-chief on affidavit stating that the Government has acquired 24½ decimals of land bearing Plot No.1157, Khata No.01 alongwith the lands of other raiyats situated in Mouza- Pochra, Thana No.80, Thana- Patratu, District Ramgarh vide Land Acquisition Case No.05/2018-2019 for the purpose of strengthening and widening the road from Patratu Dam to Ramgarh. The sale-purchase of the land measuring 04 decimals bearing Plot No.1538, Mauza- Pochra has been executed vide Deed No.773 dated 26.02.2018 for Rs.10,95,000/-. This sold land and her acquired land are identical and both are adjacent to the road on the eastern side. She exhibited the certified copy of Deed No.773 dated 26.02.2018 in support of her claim, which is a public document. She also exhibited the certified copies of two more sale deeds of her village i.e. Deed No.1635 dated 08.08.2016 and Deed No.1593 dated 21.12.2017, which are public documents. All the aforesaid three plots are situated adjacent to the road

and their acquired lands are already situated adjacent to the main road, which have been acquired by the government for road widening and therefore, have demanded compensation as per the above sale deeds. She further stated that she has demanded payment of compensation for the acquired lands at the rate of Rs.2,60,000/- (two lakh sixty thousand) per decimal as per the sale and purchase of lands taken place in her village at the time of acquisition. She further stated that the land measuring 14 decimals bearing Plot No.1005, Khata No.150, Mauza- Ramgarh adjacent to her acquired lands has also been acquired vide Land Acquisition Case No.03/2018-2019 for the same project and a compensation amount of Rs.80,69,712/- has been paid for the same @ Rs.2,88,000/- per decimal and the acquired lands in Ramgarh and their acquired lands are identical in nature and contiguous. She further stated that Mouza- Pochra lies under Ward No.7 of Ramgarh Cantonment and development of Ramgarh Town has progressed considerably towards Mouza- Pochra from before, which has developed and urbanized and all the amenities and facilities are available. Mouza- Ramgarh and Mouza- Pochra are adjacent to each other. The Sikh Regiment Centre and Punjab Regiment Centre are situated in Mouza Pochra and Mouza Ramgarh in Ramgarh district since the year 1940-41 and the acquired land is adjacent to the State Road passing through the two regiments. The acquired plots under Mouza- Ramgarh and Mouza- Pochra for the same project are situated adjacent to each other. She identified her signature on her affidavit and she had signed on it after reading the same. ***During cross-examination***, she admitted that the acquired land measuring 24.5 decimals, Plot No.1157, Khata No.01 is her Khatiani land, but she had not made the sale-purchase transaction and it was done by her relatives @ Rs.2,50,000/- per decimal approximately. She further admitted that the sale deed filed by her is not the sale deed of the land sold by her relatives. She has not filed, nor she can file any proof of sale @ Rs. 2.5 lac per decimal. She also admitted that she has no knowledge about the government rate or market value for the year in which her land was acquired by the government. 24.5 decimals of her lands has been acquired, which was tand and parti land. Pochra, Cantonment lies under

Ward No.7 and children from Pochra Mouza attend the Pochra government school. They attend the government college in Ramgarh for higher education. The district headquarters of Pochra is situated at Ramgarh. People from Pochra get their treatment at Cantonment Hospital, Ramgarh and they travel from Pochra to Ramgarh on foot or by vehicles. She denied the suggestion that the distance from Pochra to Ramgarh is very long. She also admitted that it takes half an hour to go from Pochra to Patratu by bike. She also admitted that she has received compensation for the acquired land from the government and the government officials, land surveyors and other officials had visited at the time of acquisition process, but they had not raised any objection at that time. She denied the suggestion that the compensation determined for them by the government is correct and the case filed by them for enhancement of the compensation amount is improper.

6. The Opposite Parties examined one witness on their behalves i.e. O.P.W.-1 Baij Nath Yadav who filed his examination-in-chief stating that he is currently posted as Correspondence Clerk in Road Construction Department, Ramgarh Office and he was also posted in the same office at the time of acquisition of lands for construction of 4-lane road and he has been authorized to give evidence in the present case. He further stated that the land of Village- Pochra has been acquired for construction and widening of 4-lane road from Ramgarh to Patratu Dam. The land has been acquired for widening the already constructed road in village Pochra, in which the work of labelling and soil filling has been done. There is no basic facility in village Pochra. The compensation amount determined by the Collector is legally correct and on the basis of the prevailing market rate at that time. The compensation was awarded according to the nature of the land. The acquired land is not situated in the developed area and the government has spent a lot in expanding the road. The land has been acquired for public purpose. The claim of the applicants for enhancement of compensation for the acquired lands is incorrect and baseless. It is not true that Pochra is a developed village. He further stated that the claim of the applicants is incorrect. He identified his signature on the affidavit and said that he has signed on the

affidavit after reading it. ***During cross-examination***, he admitted that he is working in the Road Construction Department since January 2009. He was posted in Hazaribagh from 2009 to 2011 and is posted in Ramgarh since 2011**.** He further admitted that he sometimes looks at the documents of the land acquired by his department and this case is related to Village- Pochra in connection with Ramgarh-Bhurkunda 4-lane in which the land was acquired around the year 2017. He further admitted that Village- Pochra falls under the Cantonment Board and the acquired land is situated at a distance of about 2 - 2½ kilometers from Subhash Chowk, Ramgarh. Apart from Village- Pochra, the land of Village- Ramgarh has also been acquired for construction of the said 4-lane. Village-Pochara is situated adjacent to Village- Ramgarh and the distance of Ramgarh Army School from the acquired land is about one kilometer. Both the regiments of the security department, Punjab Regiment and Sikh Regiment are located in Ramgarh and Punjab Regiment Centre is situated adjacent to the acquired land. He could not say that Punjab Regiment Centre is situated over the lands of Village- Pochra and Village- Ramgarh. He further admitted that he has never got a chance to visit Village- Pochra, but he has gone on the road from Village Ramgarh to Patratu dam. Village Pochra comes after Village Ramgarh, but he has no knowledge that the road from Village Ramgarh to Village Pochra passes through Village Pochra. He also admitted that every village falling under the Ramgarh Cantonment Board has school, hospital and post office. The Cantonment Board provides drainage, roads and electricity to all villages. Toll tax and other taxes are collected by the government on the roads constructed by the Housing. He knows that the land has been acquired by the Land Acquisition Officer, but he does not know about determination of the market value of the land acquired in Village Pochra. He also does not know as to why the DLO did not include three deeds i.e. Deed No.1635 dated 08.08.2016, Deed No.773 dated 26.02.2018 and Deed No.1593 dated 21.12.2017 while determining the market value. The DLO of Village- Pochra has fixed double of the market price. When a photocopy of the map of Village- Ramgarh was shown to him and was asked as to whether the land under

Plot No.1005, Ramgarh- Mouza has been acquired under this project or not, he replied that he does not remember. He admitted that there is a small river between Ramgarh Village and Pochra Village. He denied to have knowledge that Plot No.1529 of Village Pochra is situated adjacent to the river. He denied the suggestion that the claim of the applicant is correct. He further admitted that the process of acquisition of the lands was started from the year 2018. He also admitted that big houses and shops have been built on both sides of the road constructed by the department and large buildings have been built adjacent to the acquired land. He also admitted that the existing road is more than 50 years old.

7. ***Learned counsel for the appellants in all these cases*** submitted that these cases arise from Land Acquisition Case No.05 of 2018-19 and the lands were acquired under the ***Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as Act of 2013)***. He has submitted that different awards were prepared and the matter was referred to the Principal District Judge-cum-L.A.R.R.A, Hazaribag for determination of fair compensation for the acquired land. He has further submitted that corresponding reference cases and the first appeals are as under:-

Sl. No.	First Appeal	Corresponding Land Reference Case
1.	F.A. No. 34 of 2025	L.R. No.83 of 2021
2.	F.A. No. 60 of 2025	L.R. No.82 of 2021
3.	F.A. No.231 of 2025	L.R. No.87 of 2021
4.	F.A. No.232 of 2025	L.R. No.86 of 2021
5.	F.A. No. 66 of 2025	L.R. No.81 of 2021
6.	F.A. No. 67 of 2025	L.R. No.80 of 2021
7.	F.A. No. 68 of 2025	L.R. No.84 of 2021
8.	F.A. No.109 of 2026	L.R. No.85 of 2021

8. Learned counsel for the appellants has referred to the impugned judgment and has submitted that the area acquired with respect to the various persons have been mentioned therein and all the lands are of the same village namely, Pochra.

9. Learned counsel for the appellants has submitted that since all the cases were adjudicated by common judgment and common evidences have been placed on record, therefore, he has referred to the records

relating to L.R Case No.82 of 2021 and has submitted that the same would be sufficient for the purpose of other cases as well in view of the fact that identical pleadings are there in all the cases.

10. Learned counsel for the appellants has submitted that as per the petition which was filed before the District Land Acquisition Officer, Ramgarh on 17.07.2020, it was specifically mentioned therein that the opposite party served notice under Section 37(2) of the aforesaid Act of 2013 and the claimant/awardee being the interested person filed their claim under Section 64 of the aforesaid Act seeking higher compensation. The notice issued under Section 37(2) has been annexed alongwith the said petition filed before the District Land Acquisition Officer. However, the said notice is undated, but it was mentioned in the said notice that the claimant should appear on 25.06.2020 to accept the awarded amount, failing which no further interest will be paid.

11. He has further submitted that the records reveal that the payment was accepted by the claimants on 03.10.2020 vide D.D. dated 17.09.2020 and the petition seeking higher amount of compensation has been filed vide petition dated 17.07.2020 before District Land Acquisition Officer. Learned counsel has referred to the impugned judgment and has submitted that the parties participated in the proceedings and the point for determination was whether the compensation awarded to the petitioners should be enhanced. He has submitted that two witnesses were examined on behalf of the claimants namely Bhuneshwar Ram and Meena Bishwash and three sale deeds were exhibited which are as follows:-

Exhibit-1	Certified copy of deed No. 1635 dated 08.08.2016
Exhibit-1/1	Certified copy of deed No. 773 dated 26.02.2018
Exhibit-1/2	Certified copy of deed No. 1593 dated 21.12.2017

12. All the sale deeds were within three years prior to the date of notification under Section 11 of the Act of 2013 and were with respect to the same village. He has prepared a chart with respect to calculation per decimal of land with respect to each of the exhibits which is as follows:-

Exhibit	Deed No.	Village	Amount (Rs.)	1 decimal (Rs.)	1 Acre (Rs.)
Exhibit-1	1635 dated 24.07.2016	Pochara	10,12,000/-	2,53,000/-	2,53,00,000/-
Exhibit 1/1	773 dated 01.06.2018	Pochara	10,95,000/-	2,73,750/-	2,73,75,000/-
Exhibit 1/2	1593 dated 21.12.2017	Pochara	6,75,000/-	2,25,000/-	2,25,00,000/-

13. ***Learned counsel for the appellants*** submitted that the respondent also produced both oral and documentary evidence before the court. Only one witness namely Baij Nath Yadav was examined and following documents were exhibited:-

Exhibit-A	*Attested copies of award received from District Land Acquisition Officer, Ramgarh.*
Exhibit-B	*Attested copy of notification No. 378/LA dated 20.08.2018 which is the notification under Section 11.*
Exhibit-C	*Attested copy of declaration No.140/L.A. dated 06.03.2020 which is the declaration under Section 19.*
Exhibit-D	*Attested copy of the map received from District Land Acquisition Officer, Ramgarh.*

14. The learned counsel has submitted that the learned court while passing the impugned judgment has mentioned the case of the respective parties as per their claim & show cause and mentioned the oral evidence /documentary evidence placed on record. However, the finding has been recorded only in Paragraphs 11 and 12 which does not discuss either oral or documentary evidences placed on record by the either party. He has submitted that though the learned court has enhanced the compensation from Rs.88,69,400/- per acre to Rs.1 crore per acre, but there is no discussion of any oral and documentary evidence and if the sale deeds which were placed on record by the claimants were taken into consideration, the compensation amount would be much higher. Paragraphs 11 and 12 of the impugned judgment are quoted as under:-

> *"11. I find that, the claimants have* ***claimed*** *compensation at enhanced rate i.e.* ***@ Rs. Two crore, sixty lacs per acre*** *for the acquired land. I find that, the* ***State*** *has paid the compensation @* ***Rs.88,69,400/- per acre****. The claimants have claimed enhanced compensation on the ground of proximity to connecting roads,*

school etc., potentiality of the land for future use, nature of land and other sale deeds. Certain sale-deeds have also been proved on behalf of the claimants. It has been submitted on behalf of the Opp. Parties that, the compensation has been decided in accordance with law, taking in view of all the relevant consideration and the claimants do not deserve to be granted compensation at an enhanced rate.

12. On the basis of above discussion, considering all the facts and taking into consideration, the statutory provisions, as well as, settled law and the fact that, no straitjacket formula can be applied to determine the value of the acquired land, I come to the conclusion that, the average rate of the land in the said locality for determination of the ***compensation*** *should be* ***enhanced*** *to* ***Rs.1,00,00,000/- (Rs. One crore)*** *per acre, from Rs.88,69,400/- per acre, as determined by the Land Acquisition Officer.*

Office is directed to prepare the Award accordingly."

15. Learned counsel has referred to Section 26 of the aforesaid Act of 2013 and has submitted that there are three modes for determination of compensation which includes:-

a) Circle rate; or

b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

c) consented amount of compensation as agreed upon.

whichever is higher:

16. Learned counsel has submitted that the sale deeds which were produced by the claimants before the learned court were not taken care of by the collector and having been exhibited before the court the same ought to have been taken into consideration for the purpose of determination of market value of land. He has further submitted that as per explanation 2 of the Section 26, it has been provided that for determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account. He has submitted that out of three sale deeds which were produced, if half is to be taken into consideration, then two of the sale deeds of the highest value should be taken into consideration and the average of the same

should be considered for determining the market value. He submits that this exercise has not been undertaken by the learned court and the learned court has enhanced the compensation to Rs. 1 crore on *adhoc* basis and there is no adjudication by the learned court.

17. Learned counsel has also submitted that since the first appeal is a continuation of the suit and the materials are already before this Court, therefore, appropriate judgment be passed so that the market value of the land is ultimately determined on the basis of materials which were produced before the learned court.

18. ***Learned counsel for the State*** has submitted that so far as the impugned judgment is concerned, it is not in dispute that there is no adjudication as such. The entire discussion in paragraph 11 and 12 does not refer to any oral or documentary evidence. He has also submitted that under such circumstances, the matter be remanded to the court concerned for fresh consideration and this Court may not enter into the merits of the case.

19. Learned counsel has also submitted that the compensation amount was accepted by the claimants without any protest, but such plea has not been considered by the learned court and therefore, it requires fresh adjudication.

20. ***In response, the learned counsel for the appellants*** has submitted that records of the case itself reveal that prior to accepting the awarded amount, the petition seeking enhancement of compensation was filed before the Land Acquisition Officer raising protest with respect to the quantum of compensation and the sale deeds which have been exhibited were also mentioned in the petition seeking enhancement. He has also submitted that the Land Acquisition Officer was satisfied that the award was received under protest and therefore, in exercise of statutory powers under the Act of 2013 he referred the matter to the learned court for adjudication and it was for the learned court to adjudicate the matter on merits after appreciating the materials on record.

21. ***Learned counsel for the State*** has submitted that though the petition seeking enhancement of compensation was filed prior to

accepting the amount of compensation, but the records do not reveal that at the time of receiving payment, the protest was mentioned.

22. At this, ***the learned counsel for the appellant*** has submitted that protest is recorded while receiving the payment and he has produced certified copies to show that even at the time of receiving the amount, protest was registered. However, it is not in dispute that prior to receiving the amount, the petition seeking enhancement of compensation was already filed.

23. On merits, ***the learned counsel for the State*** has insisted that since the impugned judgment is a cryptic judgment and compensation has been enhanced on *ad-hoc* basis, the matters be remanded.

24. To this, ***the learned counsel for the appellants*** has reiterated that materials are before this court and it is not in dispute that prior to receiving compensation, the petition seeking enhancement was already filed and what is required to be considered is only three sale deeds which have been produced by the appellants before the learned court as the respondents herein did not produce any deed to substantiate the market value of the acquired land or to justify the compensation paid by them and the compensation is to be assessed in terms of Section 26 of the Act of 2013 read with its explanations. It is submitted that the amount of compensation be quantified by this court and the case be decided on merits. He has given a chart whose details have been mentioned in the order dated 23.04.2026 and submits that out of 3 sale deeds which have been exhibited, 50% of amongst them having highest value is to be taken into consideration and therefore exhibit 1 and 1/1 would be relevant for consideration and the average rate would come to Rs. 2,63,375/- per decimal.

25. ***Learned counsel for the appellants*** submits that apart from the aforesaid amount, the statutory amount which has been included in the Awards are also required to be re-calculated.

Findings of this Court

26. The foundational facts are that the lands were acquired for widening of road (four lane construction) from Ramgarh to Patratu dam and the notification under section 11 of the aforesaid Act of 2013 was

issued on 20.08.2018. The District Land Acquisition Officer fixed the compensation at Rs. 88,69,400/- per acre or Rs.88,694/- per decimal and by the impugned judgment, the compensation has been enhanced to Rs. 1,00,00,000/- per acre or Rs.1,00,000/- per decimal.

27. The core issue to be decided in this case is –

> ***Whether the determination of compensation by the learned court of the Principal District Judge -cum-L.A.R.R.A., Hazaribag is in conformity with the provisions of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013****?*

28. The acquisition of land in the present case is admittedly governed by the provisions of the aforesaid Act of 2013 and the compensation has to be determined under the aforesaid Act of 2013 in terms of section 26 of the Act. The sections relevant for the present case are sections 11, 26 and 27 of the Act of 2013.

The impugned judgement

29. The learned court, while enhancing the compensation from Rs.88,69,400/- per acre to Rs.1 crore per acre, has simply stated that the claimants are entitled to enhanced compensation on the ground of proximity to connecting roads, school etc., potentiality of the land for future use, nature of land and other sale deeds. The learned court further noted that certain sale-deeds were proved on behalf of the claimants and came to the conclusion that the average rate of land in the said locality for determination of the compensation should be enhanced to Rs.1,00,00,000/- (Rs. One crore) per acre, from Rs.88,69,400/- per acre. The learned court has enhanced the compensation on ad-hoc basis without referring to the rate at which the exemplar and comparable sale-deeds i.e., the aforesaid three sale-deeds exhibited by P.W. 2, were executed. There is no discussion in the impugned judgment as to what was the rate at which the land covered by the aforesaid sale-deeds of the same village and also adjoining to the road were sold. ***This court is of the considered view that the impugned judgement passed by the learned court is perverse on account of incomplete appreciation of materials on record and non-consideration of the sale value of the land***

covered by the sale deeds exhibited by the claimants for the purposes of coming to the market value of the acquired lands.

Considerations of the materials on record.

30. From the side of the claimants, two witnesses have been examined. So far as P.W. 1 is concerned, he has stated that the government has acquired 0.02 acre of land along with land of other raiyats situated in Mouza Pochra for the purpose of strengthening and widening the road from Patratu Dam to Ramgarh. He stated that compensation was fixed at lower rate than the prevailing market rate and he and other raiyats had objected. He has further stated that the property lies under Ward No.7 of Ramgarh Cantonment. There has been considerable development and progress in Ramgarh town and the land is situated adjacent to Punjab Regiment having all amenities and facilities. This witness has further stated that adjoining land was acquired at higher rate of compensation. He has also stated that the land situated on the side of Ramgarh road are commercial land and their market value is very high to the extent of Rs.8,00,000/- to Rs.10,00,000/- per decimal at the time of acquisition. The raiyats were demanding compensation @ Rs. 5 crore per acre. The government determined the compensation by treating the same as underdeveloped and rural area, although the location of the property is surrounded by developed area and all amenities of urbanization like electricity, water, roads, medical center, school, college, hospital, banks, markets, shopping centers, post office, residential colony of CCL, Jindal Steel Power Plant, railway station, Barkakana Junction, glass factory, several sponge iron factories and Patratu Thermal Power Plant are available in their village.

During cross-examination, P.W. 1 admitted that the acquired land was Tand and he stated that children from his village attend school at Cantonment board and they attend Ramgarh High School and Ramgarh College and they travel by road and rail. In case they fall sick, they go to Pochra for treatment and then to Ramgarh. He also stated during cross-examination that there were facilities in their village even before the road was widened by the government.

31. So far as ***P.W. 2*** is concerned, she has also stated that her land was acquired for the purpose of strengthening and widening the road from Patratu Dam to Ramgarh. She exhibited sale-purchase document of land of village- Pochra vide sale deed No.773 dated 26.02.2018 and stated that the acquired land was identical to the said land being adjacent to the road on the eastern side. She also cited two more sale-deeds of the same village bearing Deed No.1635 dated 08.08.2016 and Deed No.1593 dated 21.12.2017 and stated that all the aforesaid properties sold through the deeds are adjacent to the road and the land acquired is also situated adjacent to the main road. She stated that the rate of compensation for the acquired land should be at Rs. 2,60,000/- per decimal. She also stated that for the land acquired vide another Land Acquisition Case No.03/2018-2019, compensation was paid @ Rs. 2,88,000/- per decimal. Mouza – Pochra lies in ward no. 7 of Ramgarh cantonment and Ramgarh town has progressed considerably towards Mouza Pochra from before and has developed, urbanized and has all amenities and facilities. The Sikh Regiment Centre and Punjab Regiment Centre are situated in Mouza Pochra and Mouza Ramgarh in Ramgarh district since the year 1940-41.

During cross-examination, P.W. 2 stated that the sale-purchase of land was not made by her, but it was done by her relatives. The land which was acquired was *Tand* and *Parti* land. Children from Pochra Mouza attend the Pochra government school and they attend the government college in Ramgarh for higher education. She further admitted that they get treatment from cantonment hospital at Ramgarh and they travel from Pochra to Ramgarh on foot or by vehicle. She denied the suggestion that the distance from Pochra to Ramgarh was very long.

32. So far as opposite parties are concerned, only one witness was examined on their behalf who also stated that the acquisition was relating to construction of four lane road and the land of village Pochra has been acquired for construction and widening of four lane road from Ramgarh to Patratu dam. He asserted that there is no basic facility in village Pochra and the collector has rightly determined the compensation on the basis of prevailing market rate and the government had spent a lot

in expanding the road which has been acquired for public purpose. This witness admitted during his ***cross-examination*** that village Pochra falls under the cantonment board and the acquired land is situated at a distance of 2 - 2½ kilometers from Subhash Chowk, Ramgarh and village Pochra is adjacent to village Ramgarh. He further admitted that distance of Ramgarh Army School from the acquired land is just 1 KM. Further, the Punjab Regiment and Sikh Regiment are located in Ramgarh and Punjab Regiment Centre is situated adjacent to the acquired land. He further admitted that he never got a chance to visit the village Pochra but he had gone on the road from Village Ramgarh to Patratu dam and the cantonment board provides drainage, roads and electricity to all villages.

In his ***cross-examination,*** the sole witness from the side of opposite parties stated that he did not know as to why the District Land Acquisition Officer did not take into consideration the three sale-deeds which were exhibited by the P.W. 2 while determining the market value of land. He also admitted that big houses and shops have been built on both sides of the road constructed by the department and large buildings have been built adjacent to the acquired land. He also admitted that existing road was more than 50 years old.

33. ***The evidence of the claimants reveal that the acquired property is in ward no. 7 of village Pochra and they were acquired for widening of road, meaning thereby that the acquired property was itself adjacent to the existing road. They have also produced three sale-deeds with respect to the same locality which were also said to be adjacent to the road. They have also stated that Mouza Pochra is adjoining to Ramgarh cantonment and is near Sikh Regiment Centre and Punjab Regiment Centre. These evidences remained uncontroverted during their cross-examination. Thus, the witnesses of the claimants have proved the location of the land being adjacent to the road and have also proved the sale deeds which were also adjoining to the existing road.***

34. ***The evidence of the aforesaid witness on the behalf of the opposite parties reveals that the acquired land was adjacent to the existing road and was acquired for the purpose of widening of road.***

The location of the land was quite close to Ramgarh town and it was in the vicinity of the cantonment area. The cantonment board provided drainage, road and electricity to all the villages. The witness, during his cross-examination, could not explain as to why the District Land Acquisition Officer did not take into consideration the three deeds exhibited by P.W. 2 while determining the market value of the land.

35. In view of the aforesaid evidences placed on record, this Court finds that the location of the acquired land was adjacent to the existing road and the same was acquired for the purpose of widening of the road; three deeds which were exhibited by P.W. 2 were apparently not considered while fixing the compensation and the sole witness on behalf of the opposite parties had no answer as to why these deeds were not considered which were also belonging to village Pochra and were also adjacent to the road. The claimants have successfully demonstrated that the compensation as fixed by the District Land Acquisition Officer was not as per the prevailing market value, inasmuch as, even the three deeds of the same village which were admittedly executed within 3 years prior to issuance of notification under section 11 of the aforesaid Act of 2013 were not taken into consideration while fixing the compensation.

36. In connection with the mode and manner of computation of market value of the acquired lands, it would be relevant to refer to section 26 of the aforesaid Act of 2013 wherein three modes for determination of compensation have been provided which are –

d) Circle rate; or

e) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

f) consented amount of compensation as agreed upon.

whichever is higher.

For the purpose of determination of compensation in terms of Section 26 of the aforesaid Act of 2013, three modes, as explained above, under Section 26(1)(a), 26 (1)(b) and 26(1)(c) have been prescribed and

whichever is of higher value amongst them, is to be taken into consideration**.**

As per ***explanation 1*** to section 26 of the Act of 2013, the average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreement of sale registered for similar type of area in the nearby village or near vicinity area during immediately preceding three years.

As per ***explanation 2***, for determining the average sale price referred to in explanation 1, half of the total number of sale deeds or the agreements of sale, in which highest sale price has been mentioned, shall be taken into account.

37. The circle rate of the area has not been brought on record and three sale-deeds have been brought on record by the claimants, but the learned court has not taken care to calculate the average sale-price with respect to the deeds which were exhibited. As per explanation -1 to section 26 of the aforesaid act of 2013, it has been provided that one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account for the purposes of fixation of compensation. Since, three sale-deeds have been produced by the claimants which remained undisputed and no sale-deeds have been brought on record by the opposite parties nor they have demonstrated as to how the compensation was fixed and which all sale-deeds were taken into consideration for that purpose and the sole witness of the respondents could not explain as to why the District Land Acquisition Officer did not take into consideration the aforesaid three sale-deeds which were exhibited by the P.W. 2 while determining the market value of land, the learned court ought to have taken the three sale-deeds into consideration and 50% of the three sale-deeds amongst them having highest value was required to be taken into consideration for arriving at the market value of the acquired land.

Computation of rate of compensation of the acquired land

38. Apart from the aforesaid, it is also required to be seen as to which of the sale deeds, amongst the 3 sale deeds exhibited by the claimants, fall within the relevant period i.e. 3 years prior to notification dated

20.08.2018 issued under section 11 of the aforesaid Act of 2013 i.e., the period between ***20.08.2015 to 19.08.2018*** to be eligible for consideration for the purpose of taking average rate of ½ of such eligible sale deeds. The competent authority had fixed compensation at flat rate for the entire village and the trial court has also fixed compensation at flat rate but the rate has been enhanced.

39. The aforesaid chart regarding the three sale deeds exhibited by the claimants reveals that they all fall within the period of 3 years prior to the date of notification under section 11 of the aforesaid Act of 2013.

This Court finds that all the aforesaid sale deeds are related to village Pochra , which is the village involved in the present case, and are falling within the period from ***20.08.2015 to 19.08.2018*** and therefore, are within the zone of consideration for calculating the average rate for the acquired land.

Half of such eligible sale deeds would be 1 and ½ and therefore 2 sale deeds having higher value per decimal are to be taken into consideration for computing the compensation. They would be exhibit-1 and 1/1.

40. In view of the materials placed on record, the market value to find the compensation of the acquired land is fixed in the following manner:

Exhibit	Deed No.	Village	Amount (Rs.)	1 decimal (Rs.)	1 Acre (Rs.)
Exhibit-1	1635 dated 24.07.2016	Pochara	10,12,000/-	2,53,000/-	2,53,00,000/-
Exhibit 1/1	773 dated 01.06.2018	Pochara	10,95,000/-	2,73,750/-	2,73,75,000/-
Exhibit 1/2	1593 dated 21.12.2017	Pochara	6,75,000/-	2,25,000/-	2,25,00,000/-

Out of the aforesaid three sale-deeds, 50% of them of the highest value is to be taken into consideration and therefore, exhibit- 1 and 1/1 are required to be taken into consideration. The average sale-price per decimal by considering exhibit- 1 and 1/1 would come to Rs. 2,63,375/-, calculation of which is as under:

Rs. 2,53,000/- + Rs. 2,73,750/- = Rs.5,26,750/-

Rs. 5,26,750/- ÷2 = Rs. 2,63,375/-.

Accordingly, the rate of compensation, as fixed by the learned court, is further enhanced to Rs. 2,63,375/- per decimal.

41. The appeals filed by the claimants are ***allowed*** by enhancing the rate of compensation with respect to the acquired land from Rs. 1,00,000/- per decimal to ***Rs. 2,63,275/- per decimal***. The claimants would be entitled to all statutory benefits provided under the provisions of the aforesaid Act of 2013 as granted in the impugned awards at the enhanced rate of compensation with respect to the acquired land in connection with which there is no dispute.

42. Office to prepare decree.

43. This court has adopted the same mode and manner of calculation under the aforesaid Act of 2013 as has been interpreted and adopted by this court in F.A. No. 52 of 2026 and analogous cases vide judgment dated 30.03.2026 against which the Special Leave Petition being SLP (C) No. 15181 of 2026 has been dismissed by the Hon'ble Supreme Court vide order dated 18.05.2026.

44. Pending interlocutory application, if any, is closed.

45. Let the records received from the learned court concerned be sent back.

46. Let this Judgment be communicated to the concerned court through "Fax/E-mail".

(Anubha Rawat Choudhary, J.)

Date of Judgment: 31.07.2026
Pankaj/
Date of Uploading:01.08.2026