

**Against the
Judge (Land
No.51 of 19
59 of 1986.**

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Kapildeo Prasa

Against the Judgment and Award 25.03.1987 passed by Special Judge (Land Acquisition), Nalanda at Bihar Sharif in L.A. Case No.51 of 1987 arising out of Land Acquisition Case No.3 of 83-84 / 59 of 1986.

.....Claimant-appellant

Versus

.....Opposite party - Respondent

For the Appellant/s :- Mr. Vidyasagar, Advocate

For the Respondent :- S.C. to A.A.G.1

Dated : 5th day of August, 2015

PRESENT

CORAM : THE HON'BLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL JUDGMENT

1. This First Appeal has been filed by the claimant land holder against the Judgment and Award dated 25.03.1987 passed by Special Land Acquisition Judge, Nalanda at Biharsharif in Land Acquisition Case No.51 of 1987.
2. It appears that for the purpose of construction of super grid



sub station, the State of Bihar acquired land of 29 acres and odd of different land holders. Collector awarded compensation and then the land holders filed 93 land acquisition cases. The Land Acquisition Judge disposed of all the aforesaid land acquisition cases by the common Judgment. Out of the aforesaid claimants, 63 claimants filed First Appeal before the High Court. 24 First Appeals were disposed of by Lok Adalat on 21.10.2008 and 27.03.2009 wherein the State of Bihar agreed to pay Rs.2 lakhs per acre to the claimants. Thereafter, 14 First Appeals were dismissed by the High Court whereupon the claimants filed Civil Appeals No.7401 of 2013 arising out of S.L.P. (C) No.14521 of 2012 and other civil appeals. The Hon'ble Supreme Court allowed the civil appeals holding as follows :-

“It is not in dispute that in the Lok Adalat held in October, 2008 and March, 2009 the State Government agreed to pay compensation to the land owners @ Rs.2 lakhs per acre. Therefore, there is no justification to deny similar benefit to the appellants whose lands were integral part of the acquisition made for construction of super grid sub station.”

3. In view of the above facts now this matter is covered by the Judgment of the Supreme Court and no further Judgment is required

to be passed. Accordingly, this First Appeal is allowed. The impugned Judgment and Award with respect to the appellant is modified and it is declared that the appellant is entitled for the compensation @ Rs.2 lakhs per acre with all statutory benefits.

4. It further appears that the State of Bihar was directed by the Supreme Court to pay the compensation by bank draft and also this Court while disposing of 16 analogous First Appeal on 04.08.2014, directed the State of Bihar to pay the enhanced amount of compensation and statutory benefits including interest and solatium to the appellant within a period of three months through demand draft in the name of the appellant, therefore, the respondent herein also is directed to pay the enhanced amount of compensation with statutory benefits including interest and solatium to the appellants within a period of three months through demand draft in the name of the appellant.

5. **In the result, this First Appeal is allowed.**

(Mungeshwar Sahoo, J)

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