

IN THE HIGH COURT OF JUDICATURE AT PATNA

First Appeal No.24 of 1993

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The State of Bihar through Collector, Bhagalpur, (NTPC)

.... Opposite Party-Appellant.

Versus

Nand Kishore Yadav, son of Udho Yadav, resident of village-Bholsar, P.S.
Kahalgau, District-Bhagalpur.

.... Applicant- Respondent.

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Appearance :

For the Appellant : Mr. Neeraj Kumar, AC to SC-22.

For the Respondent : Mr. Ganpati Trivedi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 14-07-2015

Heard learned AC to SC-22 for the State and learned
counsel for the Respondent.

2. The instant appeal has been preferred by the State
under Section 54 of the Land Acquisition Act, 1894 (hereinafter
referred to as “the Act”) against the Judgment and Award dated
02.04.1992 passed by the court of Land Acquisition Judge, Bhagalpur,
in Land Acquisition Reference Case No.78 of 1990/L.A. Case No.30
of 1985-86 in respect to the applicant-Respondent, Nand Kishore
Yadav, and in Land Acquisition Case No.80 of 1990 in respect of one
Jaldhar Prasad Yadav, allowing the aforesaid Land Acquisition
Reference Case partly in favour of the applicant-Respondent and
Jaldhar Prasad Yadav by modifying the award of the Collector,
Bhagalpur, with finding that the petitioner will be entitled to

compensation at the rate of Rs.1600/- per decimal. The petitioner will be entitled to additional compensation calculated at the rate of Rs.12% per annum on the market value from the date of the notification to the date of award. The petitioner will be further entitled to solitium at the rate of 30% on such market value. The petitioner will also be entitled to interest at 9% per annum from the date at the dispossession at the date of payment.

3. The opposite party-the State of Bihar against the impugned Judgment and Award has preferred this appeal only against the applicant-respondent, Nand Kishore Yadav in respect of Land Acquisition Case No.30 of 1985-86.

4. The brief facts leading to this appeal is that 1.67 acres of lands of the applicant- Respondent of Khesra No.196 under Khata No.46 situated at Mouza-Ekchari, Thana No.377, Anchal-Kahalgaon, District-Bhagalpur, was acquired for the purpose of Kahalgaon Super Thermal Power project, Bhagalpur, in 1986. Similarly, the land of one Jaldhar Prasad Yadav was also acquired. Both the applicants- Respondents filed their objections under Section 9 (1) and (2) of the Act on 21.03.1987 claiming the compensation of the acquired land at the rate of Rs.10,000/- per Katha and received the amount of compensation on protest and, thereafter, the applicant-Respondent received a notice under Section 12(2) of the Act from the office of the



Special Land Acquisition Officer, Bhagalpur on 12.04.1988 and compensation was fixed as Rs.38749.22/- by the authority. Thereafter, reference was made under Section 18 of the Act in respect to the objection of the applicant-petitioner-respondent numbered as L.A. Case No.30 of 1985-86 and in respect of Jaldhar Prasad Yadav in L.A. Case No.80 of 1990 through Land Acquisition Reference Case No.78 of 1990.

5. Learned counsel appearing on behalf of the appellant submits that the learned Land Acquisition Judge has fixed the compensation at the rate of Rs.1600/- per decimal without any basis.

On the other hand, the learned counsel for the applicant-Respondent submits that the learned Land Acquisition Judge has rightly passed the impugned Judgment and Award on considering the materials available on the record.

6. On perusal of the impugned Judgment, it appears that the learned Land Acquisition Judge on considering the Ext.1 and Ext.2/A, the certified copy of the sale deed dated 18.12.1984 and 25.06.1985 in respect of neighbouring land at the rate of Rs.6000/- per decimal of small plots and also the rate of compensation awarded in similar L.A. Case No.18 of 1990 in which compensation was allowed at the rate of Rs.1600/- per decimals held that the applicants are entitled for compensation at the rate of Rs.1600/- per decimal

regarding their acquired land. As such, I find no substance in the submission of the learned counsel for the appellant that compensation at the rate of Rs.1600/- per decimal has been fixed arbitrarily without any basis.

7. I find no illegality in the impugned Judgment and Award to interfere with the same. Accordingly, this appeal stands dismissed.

(Rajendra Kumar Mishra, J)

P.S./-N.A.F.R.

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