

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 137 of 2010

1. State Of Chhattisgarh through : The Collector,
Janjgir District Janjgir-Champa
2. The Land Acquisition Officer Sakti, Distt.-Janjgir-
Champa (CG)

---- Appellants

Versus

Fuldas, S/o Firtadas, R/o Village Sarhar, Tahsil
Sakti, District Janjgir-Champa (C.G.)

---- Respondent

For Appellants : Shri Neeraj Kumar Sharma, Dy. G.A.
For Respondent : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/12/2015

Heard.

1. The instant appeal is directed against the judgment dated 23.09.2008 passed by the Additional District Judge, Sakti, District Janjgir-Champa in M.J.C. No.9/2007.
2. Facts of the case in brief are as under :
 - (i) The respondent was owner of land bearing Kh. No.1039/1, area 0.081 hectare situated at village Sarhar, Tahsil Sakti, District Janjgir-Champa. The same was acquired for construction of Minor Canal. The compensation was assessed and awarded by the Land

Acquisition Officer amounting to Rs.24,316/- holding the land as un-irrigated land.

(ii) Being aggrieved and dissatisfied with the amount of compensation, respondent filed a reference application under Section 18 of the Land Acquisition Act, 1894 for referring the matter to the Court for re-determination of the compensation. Consequently, the matter was referred to the Court below.

(iii) The Court below, on re-appreciation of the evidence led in the case, held the land as irrigated land and awarded compensation at the rate of Rs. 3,81,262/- per hectare and thereby enhanced compensation to the tune of Rs.5,71,893/-

3. Shri Neeraj Kumar Sharma, learned Dy. Government Advocate for the appellant/ State, would submit: the reference Court erroneously held the land as irrigated land and thereby has fallen in error in awarding Rs.5,71,893/- as compensation, over and above the amount of compensation awarded by the Land Acquisition Officer/ Collector.

4. Per contra, Shri Vinod Deshmukh, learned counsel appearing for the respondent, would submit: the witness examined by the appellants themselves admitted that the land is irrigated land even before acquisition of the land, and therefore, the Court below has not committed any error in awarding compensation treating the land as irrigated land and the judgment does not call for any interference.

5. I have heard learned counsel for the parties,

perused the impugned judgment and record of the Court below.

6. A bare perusal of para 8 of statement of R.K. Shivhare (N.A.W.1), Sub-Divisional Officer (Irrigation), Hasdeo Sub-Minor, Sub-Division No.3, Sakti, District Janjgir-Champa, would reveal: the land in question was being irrigated through Hasdeo Sub-Minor Canal prior to acquisition of land in question.

7. In view of the specific admission of appellant's witness, the finding of reference Court regarding nature of the land as irrigated land cannot be found fault with. Therefore, the reference Court has not committed any error in enhancing the amount of compensation treating the land as irrigated land.

8. No other points have been raised.

9. For the reasons mentioned above, there is no merit in this appeal.

10. Accordingly, the appeal, being devoid of merit and substances, is liable to be and is hereby dismissed.

11. No order as to costs.

12. A decree be drawn accordingly.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E