

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**F. A. No. 564 OF 2000**

M.P. Housing Board, Through its Executive Engineer Shankar Nagar, Raipur (M.P.)

---- Appellant**Versus**

1. Akhilesh Kumar S/o Rameshwar Lal Agrawal, R/o Jawahar Nagar Ward, Shanatan Abhilasha Traders, Gurunanak Choukh Raipur.
2. Land Acquisition Officer, Through Collector, Raipur (M.P.)

-----Respondents

For Appellant	:	Mr. Sanjay Patel, Advocate
For Respondent No.2/State	:	Mr. Bhaskar Pyashi, P.L.

Hon'ble Shri Sanjay Agrawal, J.**Judgment on Board****04/10/2016**

1. Appellant- M.P. Housing Board has filed this appeal by questioning award dated 25.3.2000 under Section 54 of the Land Acquisition Act, 1894 (hereinafter called as 'Act, 1894'), along with an application for condonation of delay of 18 days in filing the same.
2. I have considered the reasons assigned in the application for condonation of delay in filing the appeal, which is just and proper, therefore, I condoned the same in filing the appeal.
3. Heard the appeal on admission.
4. The Land Acquisition Officer, Raipur had initiated the land acquisition proceeding as per memo bearing No.2451 dated 12.5.1989 submitted by Executive Engineer, M.P. Housing Board. Upon consideration of aforesaid memo, the Land Acquisition Officer had initiated proceeding while registering the case as Land Acquisition Case No.151-A-82/year-89-90 and had issued notification under Section 4 of the Act, 1894 on 25.5.1990 and thereafter, the

notifications required under Sections 6 and 17 of the Act, 1894 was also issued. The Land Acquisition Officer after considering the land of the owners had passed award on 5.8.1991 and awarded the amount of compensation at the rate of Rs.43,930/- per acre to each of the owners including the interest at the rate of 12% and 30% as arrears in the said award.

5. Being dissatisfied with the aforesaid award passed by Land Acquisition Officer, Raipur, respondent No.1 owner of the land has preferred a reference application under Section 18 of the Act, 1894. Upon due consideration of the said application, the matter was referred to the learned Sixth Upper District Judge, Raipur, who in turn, vide its award impugned dated 25.3.2000 passed in Miscellaneous Land Acquisition Case No.16/1997 has held that respondent No. 1 is entitled for compensation at the rate of Rs.2.50/- per sq. ft. plus interest thereon and thus the amount of compensation was enhanced accordingly.

6. The award as passed aforesaid by the Court below has been questioned by the M.P. Housing Board before this Court under Section 54 of the Act, 1894 on the ground that the Court below has erred in relying solely upon the sale deed produced by the respondent No. 1 as the same could not have been taken into consideration for fixation of the compensation and further erred in not relying upon the sale deed produced by him and thereby erred in enhancing the amount of compensation.

7. Having considered the facts and circumstances of the case, this Court is of the opinion that the award as passed by the Court below is just and proper as the same has been passed while considering all the relevant factors of the case. Therefore, the appeal is devoid of merit and is hereby dismissed.

No order as to costs.

Sd/-
(Sanjay Agrawal)
Judge