

HIGH COURT OF CHHATTISGARH, BILASPUR**FA No. 94 of 2004**

- Gopal Bajaj, aged 30 years, son of Shri Daya Ram Bajaj, resident of Janjgir, tehsil Janjgir and district Janjgir-Champa (Chhattisgarh)

---- Appellant**Versus**

- State Of Chhattisgarh, through the Collector Janjgir-Champa, at Janjgir (Chhattisgarh)

---- Respondent

For Appellant : Shri Somnath Verma, Advocate

For Respondents/State : Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/04/2019**

1. Heard.
2. The present appeal is against the award dated 28.01.2004 passed by the Additional District Judge, Janjgir in miscellaneous civil suit No.07/2001 .
3. Brief facts of this case are that the land bearing Khasra No.481/2 admeasuring 0.09 acres was acquired by the State for Hasdeo Project under the The Land Acquisition Act, 1894 (hereinafter referred to as the Act, 1894) and award of Rs.15000/- was granted. It was stated by the plaintiff that his land which was situated at village Pendari was acquired on 15.10.1992 and while acquisition the value of the land per acre of the vicinity arrived at Rs.1,17,412.16 paisa, whereas the land of the appellant was adjacent to the road and was within the municipality and urban area. It was further stated that for the last three years

the selling price of the land was rupees five thousand per decimal, therefore, the awarded amount should be enhanced by calculating the value of the land as rupees five thousand per decimal and the enhanced compensation be awarded.

4. Learned counsel for the appellant would submit that the Court below has failed to take into consideration the value of the adjacent land which was valued and should have enhanced the quantum of award accordingly. It was stated that though the evidence have been adduced and the Court while deciding the reference under Section 18 of the Act, 1894 failed to take into note the oral evidence, therefore, the order of the Court below is not sustainable.
5. Per contra, learned State counsel opposes the same submits that the order of the Court below is well merited which do not call for any interference.
6. I have heard learned counsel for the parties and perused the record of the Court below. The original reference case is also perused.
7. The perusal of the record would show that in order to value the land, the Land Acquisition Officer had called for the average sale of the area in between the period from 15.01.1992 to 15.01.1993 and after taking into those documents submitted that according to the situation of the land it was valued at Rs.1,17,412.16 paise per acre. The record would show that while evaluating the land it was found to be agricultural land was valued at Rs.30,118.49 paise per acre, whereas the Land Acquisition Officer has termed it as residential land and valued it at Rs.1,17,412.16 paise per acre. Before the reference Court, statement of Sajanmal Bajaj (PW-1) was recorded. According to his statement a sale deed (Ex. A-1) was produced which shows that Khasra No.24/1

admeasuring 0.05 acres was purchased @ 3000 rs. Per decimal. The statement of the witness do not show that the said land which was acquired was adjacent to the said Khasra No.24/1. The statement of appellant Gopal Bajaj, who is examined as PW-2 he also is not been able to prove the fact that as to what was the actual value of the land.

8. In order to evaluate the value of the land the adjacent land value are of much importance. If the appellant was claiming value at par with the other land value bearing Khasra No.24/1, he should have established the fact by revenue record that the land bearing Khasra No.481/2 was adjacent to the land bearing Khasra No.24/1. Though the carbon copy of one document register of compensation paid, Ex. A-5 was produced but it has not been accepted by the trial Court. The perusal of the record shows that it was not compared with the original, as such the value, which has been shown in such register cannot be considered as a valid document for the land, which was acquired. Therefore, the appellant has failed to prove the fact that when the land was acquired in year 1992-93 the value of the acquired land was rupees 5000/- per decimal. Consequently, I do not find any infirmity in the impugned order so as to interfere with the same. Accordingly, the appeal is dismissed. However, since during the argument it is submitted that till date the compensation amount has not been disbursed in such case it is observed that the State authorities shall make all possible efforts to deliver the compensation to the appellant forthwith, if not paid.

Sd/-

Goutam Bhaduri
Judge

Ashu