

2024:PHHC:044439

2. The respondent before this Court are the farmers. They filed three separate suits for recovery of Rs.21,312/-, 28416/- and 42,624/-. It was the case of the farmers that they are entitled to compensation for making the land uneven while digging the earth and loss of crop when the appellants' contractor lifted the earth from the land for construction of Rajasthan Feeder Canal Gang Canal Link Channel from RD 215-220-. It was claimed that the defendant (appellant no.1) gave undertaking to the plaintiff vide letter no. 978 dated 20.12.1984 that the contractor will do levelling work of the land and in case the contractor does not fulfill his undertaking, the Government of Rajasthan will do the needful. It was alleged that the contractor made pits of 6 to 10 feet deep in the plaintiff's land rendering the land totally unfit for cultivation. Subsequently, a meeting was held on 24.03.1986 and it was decided that the plaintiff will be paid compensation at the rate, which shall be decided by the Land Acquisition Collector, Ganganagar. Accordingly, the plaintiffs claim compensation at the rate of Rs.2800/- per bigha for levelling the land and Rs.1200/- per bigha as rent for the land. The trial court dismissed all the three suits, however, the First Appellate Court upon re-appreciation of the evidence partly decreed the suit. Challenging the correctness of such judgments passed by the First Appellate Court, these appeals have been filed. On 27.03.1992, the following order was passed:-

“Admitted.

However, the decree-holder is permitted to withdraw the amount subject to his furnishing suitable surety to the satisfaction of the trial court. In case, the appellant succeeds in this appeal, in that

event, the respondent will be liable to return the amount along with interest at the rate of 12% per annum. The appellant undertakes to deposit the decretal amount along with interest within two months from today.”

3. These appeals have come up for hearing after a period of 32 years. The farmers have already withdrawn the amount. The learned counsel representing the appellants contends that the land was levelled by the Government as their contractor failed to level the same. He submits that the Government cannot be made liable to pay damages for loss of crop.
4. This Court has considered the submissions made by the learned counsel representing the appellants.
5. It has come in evidence that there were pits as deep as 6 to 10 feet in the land of the farmers when the contractor handed over the possession. It has come in evidence that the Government has utilized the farmers’ land for considerable period which has resulted in loss of crop.
6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Hence, dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

01.04.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE