08.04.2026.
Court No. 13
Item No. 2.
sp

F.A. No. 204 of 2000

Ram Kanai Dhar & Ors.
[Sole appellant Smt. Kalyani Bala Dhar alias Kalyani Dhar, since deceased]

Versus

Land Acquisition Collector, Murshidabad

Mr. Satyam Mukherjee,
Mr. Purnendu Shekhar Ghosh,
Mr. Saibal Rakshit.

..for the appellants.

1. The subject appeal is directed against judgment and order dated 17th August, 1999 passed by the Additional District Judge in L.A. Case No. 9 of 1988, renumbered 23 of 1990.

2. The appellant was admittedly owner of 26 cottahs including land and building which was more than 100 years old at Holding No. 20/1, Raja Krishnath Road, P.S.- Berhampore, Mouja- Gar Berhampore, Khatian No. 644, Dag No. 2108. The said building was acquired by the State for housing the principal office Agriculture Department at Berhampore. Possession of the land was taken on 4th November, 1981. The notification was published on 10th November, 1981 and award was made on 31st October, 1986 for a total sum of Rs. 6,44,116/- towards valuation including land and building. Solatium Rs. 1,22,576.56/- and interest @ 12% on the solatium of Rs. 2,00,360.80/- was awarded.

3. Challenging the award, the L.A. Case was filed before the learned District Judge. Before the learned District Judge, valuers were examined by the appellant and the State respectively. The valuation report of the valuer of the appellant was marked as Exbt. “1”. The State’s valuer gave a one page valuation. The report of the State’s valuer is marked as Exbt.- “A”. Deeds of adjacent land produced by the appellant were not accepted by the Trial Court. The vendor or the purchaser was not examined. The Trial Judge after noticing the various procedures valuations enhanced the value of the property and awarded a sum of Rs. 15,000/- per cottah and the building was valued at Rs. 2,50,000/-.

4. The appellant would argue that once a document is accepted by the Court, the report of his valuer which is insubstantial detail and divided the acquired land into three parts, i.e., land, building and contiguous land ought to have been accepted by the Trial Judge.

5. This Court, however, notes that while the Trial Judge did not accept the valuation report produced by the State, it could equally not have accepted the Exbt. “1” since the appellant’s valuer could not produce any of his credentials, i.e., his qualifications or the evidence of his empanelment with the High Court.

6. Admittedly, the value of the acquired land and building as assessed by the Collector was not found acceptable by the Trial Court. Since the valuation of

the property is much higher than the awarded amount, this Court is of the view that interest would be subserved if the matter is remanded back to the Trial Judge for receiving fresh evidence from the appellant as well as State.

7. Let this order be communicated by the Registry to the Trial Court and the Trial Court records be returned for compliance as indicated above.

8. It is requested that the proceedings before the Trial Court are concluded as expeditiously as possible, preferably within a period of 6 months from the date of communication of a copy of this order.

9. The impugned judgment dated 17th August, 1999 shall stand set aside and the matter remanded back to the Trial Court for further consideration as indicated above. .

10. With the aforesaid observations, F.A. 204 of 2000 shall stand disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)

(*Rai Chattopadhyay, J.*)