

State of Bihar Vs. Salim Khalifa

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Court : Jharkhand

Decided On : Sep-30-2004

Reported in : [2005(2)JCR69(Jhr)]

Judge : Hari Shankar Prasad, J.

Acts : [Land Acquisition Act, 1894](#) - Sections 18, 23(2) and 28

Appeal No. : A.F.O.D. No. 121 of 1995 (R)

Appellant : State of Bihar

Respondent : Salim Khalifa

Advocate for Def. : B. Prasad and; V. Gopal, Adv.

Advocate for Pet/Ap. : Manjul Prasad and; Manoj Kumar, Adv.

Disposition : Appeal dismissed

Judgement :

Hari Shankar Prasad, J.

1. This appeal is directed against the judgment dated 23.9.1994 and award dated 5.10.1994 passed in Land Acquisition Case No. 11/ 1993, whereby and whereunder the learned Subordinate Judge I, cum Land Acquisition Judge, Palamau at Daltongaj allowed the reference and enhanced the compensation.

2. Pursuant to the notification under Section 4 of the Land Acquisition Act published in the District Gazette. 0.78 acre of land, fully described in the foot of the plaint, has been acquired by the State of Bihar, which was owned and possessed by the applicant and due to acquisition the applicant has been dispossessed. The land has been acquired for construction of Malay Water Scheme. After acquisition, the Land Acquisition Officer assessed the valuation and decided the compensation to be paid to the applicant a Rs. 23,758.05 which the applicant claimed that it is inadequate and amount of compensation is very low. The land of the applicant has been acquired by the State of Bihar for construction of Malay Water Scheme. The applicant filed objection for determination of the award with regard to classification of lands and also the rate at which the amount of compensation was worked out.

3. The applicant-claimant claimed that the lands were Dhan one land because applicant by his hard labour and after investing money had made the land very fertile. There was also irrigation facilities so paddy etc. were grown up 40 to 50 mounds. The land was also suitable for commercial purposes because it was situated near PWD road and the land in question is situated near the Block Office etc. It was also pointed out that applicant also claimed that compensation has not been fixed according to market value and the classification has not been properly done and the lands of the near by area has been sold at Rs. 5000/-per decimal and other lands were also sold @ Rs. 3,333/- per decimal and applicant is liable to be paid compensation at the higher rate because the petitioner's land was first class paddy land. The applicant on various other accounts sought reference of the award under Section 18 of the Land Acquisition Act and Land Acquisition Officer also referred the case to the land acquisition Judge and the Land Acquisition Judge, after considering the evidence oral and documentary brought on record, fixed the compensation @ Rs. 5000/- per decimal and the valuation of the well at Rs. 15,000/-was assessed. The applicant was also held to be entitled for additional compensation @ 30% as provided under Section 23(2) of the L.A. Act. The applicant was also found entitled for interest @ Rs. 12% on the amount of excess compensation as required under Section 28 of the L.A. Act.

4. Learned counsel appearing for the appellant submitted that amount of land as he has been assessed by the Land Acquisition Judge is very excessive and further

that other benefits have also not been given according to law.

5. On the other hand, claimant has examined seven witnesses and besides that sale-deeds have been brought on record and after scrutiny of which, the learned Court below has come to finding that the land is to be valued @ Rs. 5000/- per decimal and he has accordingly valued the land @ Rs. 5000/- per decimal and awarded other benefits as per law admissible under the various provisions of the Land Acquisition Act.

6. In that view of the matter, I do not find any illegality and irregularity in the impugned judgment and award and accordingly this appeal is dismissed. But in the circumstances, without any order as to costs.

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