

SRI SAUNU  
v.  
COLLECTOR, LAND ACQUISITION

AUGUST 28, 1996

[K. RAMASWAMY AND K. VENKATASWAMY, JJ.]

*Land Acquisition Act, 1894 :*

*Compensation—Award of by Land Acquisition Officer and confirmed by the Additional District Judge and High Court—On further appeal for enhancement, held, sale deeds in respect of small extent of land do not form reasonable basis to determine higher compensation for vast land—Court to adopt the test as to whether a willing prudent purchaser in the open market would be prepared to offer compensation at the rate which the Court proposes to determine in compulsory acquisition—In the facts of the case, no interference is called for.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3030 of 1990.

From the Judgment and Order dated 31.12.82 of the Himachal Pradesh High Court in R.F.A. No. 19 of 1970.

Chandra Prakash Pandey for the Appellant.

S. Wasim and A. Qadri for the Respondent.

The following Order of the Court was delivered :

Notification under Section 4(1) of the Acquisition Act, 1894 (1 of 1894) (for short, the "Act") was published on December 4, 1965 acquiring 221 bighas of land for the construction of approach channel to the Inlet Portal of S.S. Tunnel by the Beas-Sutlej Link Project. The Land Acquisition Officer in his award dated June 26/27, 1968 classified the lands into 9 items (mentioned at page 4 of the Paper Book) and granted compensation at the rate varying between Rs. 2,000 to Rs. 5,000 per bigha. On reference, the Additional District Judge confirmed the award of the Collector. On appeal, in the impugned judgment dated December 31, 1982 the Division Bench in RFA No. 19/70 confirmed the same. Thus, this appeal by special

A leave.

Admittedly, the appellant's claim is for compensation at the rate of Rs. 15,000 per bigha. The classification of the land and the amount awarded by the Collector would indicate that in respect of Kohli I, Begicha and Abadi Deh lands, he granted 2,000 per bigha; in respect of the lands

B B-1, he granted what was asked for, namely Rs. 1500 per bigha. For Kohli-II he granted Rs. 1250 per bigha; for item 5 B-II, he granted Rs. 1000 per bigha; for banjar and uncultivated lands, he granted Rs. 500 per bigha.

It is one of the rarest cases where the Land Acquisition Officer has granted fair compensation. The question, however, arises : whether it is a case for

C further enhancement? The appellant relied upon five sales instances of a small extent of land ranging between 6 biswas and 18 biswas spoken to by the witnesses as discussed by the High Court. These lands are situated in the Abadi, namely village itself. Under those circumstances, those sale deeds do not form any reasonable basis to determine higher compensation

D to adopt is whether a willing prudent purchaser in the open market would be prepared to offer compensation at the rate which the Court proposes to determine in a compulsory acquisition. In this case, the courts have adopted the correct standard and were not inclined to come to the conclusion that the lands would fetch higher than what was determined by the

E Land Acquisition Officer. Under these circumstances, the courts below have not committed any error of principle of law in determining the compensation, warranting interference.

The appeal is accordingly dismissed but, in the circumstances, without costs.

G.N.

Appeal dismissed.