

(2008) 06 OHC CK 0029
In the Orissa High Court

Executive Director and General Manager, NALCO	APPELLANT
Vs	
Somanath Garanaik and Others	RESPONDENT

Date of Decision : 18-06-2008

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4

Citation : (2008) 106 CLT 346 : (2008) 2 OLR 701 Supp

Hon'ble Judges : Sanju Panda, J

Bench : Single Bench

Judgement

Sanju Panda, J.—This First Appeal is directed against the award dated 11.4.1996 passed by the Learned Civil Judge (Senior Division), Angul in Land Acquisition Misc. Case No. 52 of 1991 in a reference u/s 18 of the Land Acquisition Act (hereinafter referred to as "the Act").

2. As per Gazette Notification No. 69 dated 16.2.1982 published u/s 4(1) of the Act, the State Government acquired different types of land of the claimants-Respondent Nos. 1 & 2 measuring a total area of Ac. 2.10 decimals appertaining to Holding No. 292 of Mouza Girang for construction of NALCO. The Special Land Acquisition Officer, Nalko, Dhenkanal awarded a total compensation of Rs. 39,456.73 paise for different types of land. He computed the compensation at different rates for different kissam of lands. The claimants received the said compensation on protest and filed their objection claiming higher compensation which was referred to the Civil Court u/s 18 of the Act. The claimants main contention was that the Special Land Acquisition Officer awarded the compensation for the acquired land at a lower side as the prevalent market price of the land at the time of notification was much more and they claimed compensation at the rate of Rs. 2,10,000/-. Though the Government contested the case, they did not file any objection in this case.

3. In support of the claim for higher compensation, the claimant examined himself as P.W.1 and after analyzing the evidence adduced by the claimant, the Court below determined the compensation in respect of the acquired land at the

rate of Rs. 20,000/- per acre and held that the claimants were also entitled to all other statutory benefits.

4. Learned Counsel appearing for the NALCO submitted that without any definite material the Court below has determined for the acquired land at Rs. 20,000/- per acre and hence the said determination of market value of the acquired land by the Court below was arbitrary and needs to be interfered with.

5. Learned Counsel appearing for the claimants-Respondents submitted that the compensation determined by the Court below for the acquired land was just and proper and the same need not be interfered with.

6. Claimants' land has been acquired for construction of NALCO in the district of Angul. Earlier, the same was within the district of Dhenkanal and Girang is a village situated nearby the village Gotamara. The Apex Court in a decision reported in *The Executive Director Vs. Sarat Chandra Bisoi and Another*, has determined the compensation at Rs. 27,000/- per acre for the land adjoining to the National Highway, Rs. 22,500/- per acre for the land connected to the Grama Panchayat road and Rs. 18,000/- per acre for other land. On the basis of the said decision of the Apex Court, this Court also in First Appeals, i.e., FA. No. 115 of 2001 and Batch, disposed of on 11.4.2008 has determined the compensation so far as village Gotamara is concerned.

7. Therefore, in the present appeal also on the basis of the aforesaid decision, the compensation for the acquired land which, it appears, is not connected with any road, is determined at the rate of Rs. 18,000/- per acre.

8. With the above modification of the award dated 11.4.1996 passed by the Learned Civil Judge (Senior Division), Angul in Land Acquisition Misc. Case No. 52, of 1991, this First Appeal is disposed of. No costs.