(1996) 04 PAT CK 0001

In the Patna High Court

Case No : Appeal from Original Decree No. 608 of 1986

Janki Singh APPELLANT

Vs

The State of Bihar RESPONDENT

Date of Decision : 10-04-1996

Acts Referred:

Citation : (1996) 04 PAT CK 0001

Final Decision : Allowed

Judgement

P.K. Sarin, J.—This first appeal u/s 54 of the Land Acquisition Act has been filed by the claimant-Appellant against the judgment and award dated 29.7.1986 under Land Acquisition case No. 77 of 1983 by which the claim made by the Appellant for enhancing compensation on reference u/s 18 has been rejected.

2. It appears that the Respondents State acquired 0.905 acre land of plots No. 436, 439 and 438 situate at Village-Deori, Thana-Colgong, District-Bhagalpur, belonging to the claimant-Appellant. The declaration under Land Acquisition Act was issued on 20.10.1981 published in Gazette on 1.11.1981. The Land Acquisition Officer declared the value of the land at the rate of Rs. 4,166/- per acre. The entire land, as acquired under the said scheme, was 14.30 acres. Reference u/s 18 of the Land Acquisition Act was made at the instance of claimant-Appellant who claimed compensation awarded by the Land Acquisition Officer to be inadequate. The Appellant claimed that the value of the land ought to have been determined at the rate of Rs. 6,000/- per katha which was the market rate at that time. He further, claimed Rs. 15,000/- for a Pucca well and Rs. 1,000/- for Kachcha well and Rs. 1,500/- for a Neem tree standing on the land in question.

3. In support of his claim the Appellant examined himself as A.W. 4 and also examined Sri Musafir Singh, A.W. 1, Sri Raj Kumar Singh, A.W. 2, and Hardeo Singh, A.W. 3. The Appellant further filed certified copies, of two registered sale deeds (Exhibits-1 and 1/a), which related to sale of land in village-Mathurapur. It was alleged By the Appellant that there were School, Hospital, Market and

Railway Station near the acquired land and the acquired land has the facilities of irrigation. On behalf of the State-Respondent no evidence appears to have been led before the Reference Court.

4. The learned Reference Court did not give any credence to the oral testimony of the witness and held that the certified copies of the sale deeds related to the land of other village, hence they were not relevant for determining the market value of the acquired land. Considering the entire evidence on the record, the Reference Court held that the claimant has failed to prove and establish his claim and, accordingly, the award passed by the Collector was affirmed and the claim preferred by the Appellant was rejected. Feeling aggrieved, the land-holder has preferred this appeal.

5. The learned Counsel for the Appellant, has contended that the oral evidence led by the Appellant remained uncontroversial as regards the situation, potentiality and nearness to village-Mathurapur. He further contended that the witnesses have stated the market rate of the land under Acquisition to be Rs. 5,000/- to Rs. 7,000/- per katha. It is further contended that the sale deeds (Exhibits-1 and 1/a) indicate that the value of the land was not less than Rs. 4,000/- per katha before the date of notification for acquisition.

6. For proper appreciation of the contention the oral and documentary evidence led by the Appellant may be seen. Sri Musafir Singh, A.W. 1, has stated that the acquired land is homestead and there are School, Hospital, Market and Railway Station near the acquired land. He further stated that there are Pucca and Kachcha wells in the acquired land. He stated that the village Mathurapur in the adjoining village. In cross-examination he stated that there are houses to the south and north of the acquired land. According to him, the value of acquired land, at the time of acquisition, was Rs. 5,000/- per katha.

7. A.W. 2, Raj Kumar Singh, has stated that the acquired land is homestead and by the side of road and there are School, Hospital and Railway Station near the acquired land. He stated that village Mathurapur is the adjoining village where the market is. He stated that Pucca and Kachcha wells are in acquired land which is used for irrigation purpose. According to his statement, the village of land at the time of acquisition was at the rate of Rs. 7,000/- per katha. In cross-examination he stated that village-Mathurapur is only at a distance of four rassi (about 80 cubits) from the acquired land.

8. Sri Hardeo Singh, A.W. 3, has, in his statement, given in boundary of the acquired land which shows that there are houses on north and south side of the acquired land and road on the western side. He stated that the acquired land is homestead and there was a house on it earlier. He further stated that there are Schools, Hospitals and Railway Station nearby. He stated that village-Mathurapur is the adjoining village and is at a distance of about 16 rassi (about 320 cubits). He further stated that there are pucca and Kuchcha wells in the acquired land which are used for irrigation purposes. According to his statement the value of

land at the time of acquisition was Rs. 4,000/- to Rs. 5,000/- per acre.

9. A.W. 4 Janki Prasad Singh, is the claimant-Appellant. In his statement he has given the boundary of acquired land which shows that there are houses on the northern and southern side of the acquired land and there is road on one side. He stated that there are School, Hospital and Railway Station nearby and village-Mathurapur in adjoining village where there is Mandi (market). He has stated that the vegetables and khesari crops were grown on the acquired land. He made an income of Rs. 8,000/- to Rs. 10,000/- per bigha. According to his statement the value of the acquired land at the time of acquisition was at the rate of Rs. 6,000/- per katha. He further stated that there was a Neem tree valued at Rs. 1500/-.

10. The learned Reference Court did not place reliance on the statement of these witnesses. He disbelieved the statement of witnesses regarding wells and Neem tree as no document in support thereof was produced. The learned Reference Court did not place reliance on the statement of A.Ws. regarding the market rate of the value of the land on the ground that there is variation of statement of these witnesses and they have no specific knowledge in respect of the land. The learned Reference Court did not consider the evidence regarding potentiality of the land at a village. The statement of the witnesses examined on behalf of the Appellant is that there are houses on north and south of the acquired land and that the acquired land is by the side of the road and that there are School, Hospital and Railway Station nearby and that there is a Mandi in village-Mathurapur and the village-Mathurapur is very near to the acquired land. These statements regarding location of the acquired land and the acquired land being of the nature of homes tead has remained uncontreverted in the cross-examination on behalf of the State.

11. The Respondent has not led any evidence in rebuttal thereof. Therefore, there is no reasons to disbelieve the statement of these witnesses as regards the location and nature of the land and the potentiality of its being used as abuting road side. Supreme Court, in the case of P. Ram Reddy and Others Vs. Land Acquisition Officer, Hyderabad Urban Development Authority, Hyderabad and Others, has laid down the points which are to be considered for finding of the building potentiality of acquired land. The notable points pointed out by the Supreme Court in the said case are:

(i) the situation of the acquired land vis-a-vis the city or the town or village which had been growing in size because of its commercial, industrial, educational, religious or any other kind of importance or because of its explosive population;

(ii) the suitability of the acquired land for putting up the buildings, be they Presidential, commercial and industrial, as the case may be,

(iii) possibility of obtaining water and electric supply for occupants of buildings to be put up on that land;

(iv) absence of statutory impediments or the like for using the acquired land for building purposes;

(v) existence of highways, public roads, layouts of buildings plots or developed residential extensions in the vicinity or close proximity of the acquired land;

(vi) benefits or advantages of educational institutions, health care centers, or the like in the surrounding areas of the acquired land which may become available to the occupiers of buildings, if built on the acquired land; and

(vii) lands around the acquired land or the acquired land itself being in demand for building purposes to specify a few.

The Supreme Court observed that acquired land could be regarded as that which has a building potentiality, if such land although was used on the relevant date envisaged u/s 4(1) of the Land Acquisition Act for agricultural or horticultural or other like purpose or was on that date even barren or waste, had the possibility of being used immediately or in the near future as land for putting up residential, commercial, industrial or other buildings. Judging in the light of the observation made by the Supreme Court in the said case the acquired land of the Appellant appears to have buildings potentiality. There were houses to the north and south of the acquired land, the acquired land abutted I the road. There were Schools, Hospital and railway Station in the vicinity. The Mandi (market) was in the adjoining village, Mathurapur. The acquired land was suitable for putting up buildings, either for residential purpose or for construction of shops.

12. The learned Counsel for the Respondent has contended that the market, referred to by witnesses, is village market which is different than the market in urban area and, therefore, there was no possibility of any commercial activity being undertaken near the acquired land and that the acquired land has no building potentiality. As already pointed out above, the situation of the acquired land was such that it could be used for buildings purposes and it had buildings potentiality. There were houses to the north and south of acquired land and there was road on one side; Railway Station, School, Government Hospital are nearby. The uncontroverted statement of the witnesses are that the acquired land was in the nature of homestead and there stood a house earlier, the land having building potentiality and there is possibility of commercial activity near the acquired land. The fact remains that the acquired land is near to the market place and was suitable for buildings purposes. The learned Reference Court has not considered the building potentiality of the acquired land which appears to be error on its part. As regards the value of the acquired land, the same cannot be left to be decided on the oral testimony of the witnesses who appeared to have given market rate, according to their guess giving no data for the same. Therefore, the learned Reference Court rightly discarded the oral testimony regarding the market rate of the value of the land acquired.

13. However, the Reference Court appears to have erred in discarding the documentary evidence on the ground that the sees related to land of another

village Mathurapur. It has come in evidence that village Mathurapur is adjoining village and was hardly at a distance of 320 cubits from the acquired land. In the circumstances, the sales of the land, which have proximity in time, date, notification, u/s 4 of the Land Acquisition Act may be considered for determining the market value of the acquired land. The best evidence would be in respect of sale of similar land which are situated in the vicinity of the acquired land. However, if no evidence be available regarding sale of land of vicinity the instances of the land situated at some distance may also be considered and due allowance may be made with regard to the situation etc.

14. The Supreme Court, in the case of Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and Another, has laid down the principle regarding factors to be borne in mind while determining market value of the land. It would be appropriate to reproduce the same.

The following, factors must be etched on the mental screen:

(1) A reference u/s 18 of the Land Acquisition Act is not an appeal against the award and the Court cannot take into account the material relied upon by the Land Acquisition Officer in his Award unless the same material is produced and proved before the Court.

(2) So also the Award of the Land Acquisition Officer is not to be treated as a judgment of the trial court open or exposed to challenge before the Court hearing the Reference. It is mearly an offer made by the Land Acquisition Officer and the material utilised by him for making his valuation cannot be utilised by the Court unless produced and proved before it. It is not the function of the court to sit in appeal against the Award, approve or disapprove its reasoning, or correct its error or affirm, modify or reverse the conclusion reached by the Land Acquisition Officer, as if it were the Appellate Court.

(3) The Court has to treat the reference as an original proceeding before it and determine the market value afresh on the basis of the material produced before it.

(4) The claimant is in the position of a Plaintiff who has to show that the price offered for his land in the award is inadequate on the basis of the material produced in the Court. Of course the material placed and proved by the other side can also be taken into account for this purpose.

(5) The market value of land under acquisition has to be determined as on the crucial date of publication of the notification u/s 4 of the Land Acquisition Act (dates of Notifications under Sections 6 and 9 are irrelevant).

(6) The determination has to be made standing on the date line of valuation (date of publication of notification u/s 4) as if the valuer is a hypothetical purchaser willing to purchase land from the open market and is prepared to pay a reasonable price as on that day. It has also to be assumed that the vendor is willing to sell the land at a reasonable price.

(7) In doing so by the instance method, the Court has to correlate the market value reflected in the most comparable instance which provides the index of market value.

(8) Only genuine instances have to be taken into account. (Sometimes instances are rigged up in anticipation of Acquisition of Land).

(9) Even post notification instances can be taken into account. (1) if they are very proximate, (2) genuine and (3) the acquisition itself has not motivated the purchaser to pay a higher price on account of the resultant improvement in development prospects.

(10) The most comparable instances out of the genuine instances have to be identified on the following considerations:

(i) Proximity from time angle.

(ii) Proximity from situation angle.

(11) Having identified the instances which provide the index of market value the price reflected therein may be as the norm and the market value of land under acquisition may be deduced by making suitable adjustments for the plus and minus factors vis-a-vis land under acquisition by placing the two in juxtaposition.

(12) A balance sheet of plus and minus factors may be drawn for this purpose and the relevant factors may be evaluated in terms of price variation as a prudent purchaser would do.

(13) The market value of the land under acquisition has thereafter to be deduced by loading the price reflected in the instance taken as norm for plus factors and unloading it for minus factors.

(14) The exercise indicated in Clauses (11) to (13) has to be undertaken in a common sense manner as a prudent man of the world of business would do. We may illustrate some such illustrative (not exhaustive) factors:

Plus factors Minus factors

1. Smallness of size 1. Largeness of area

2. Proximity to a road 2. Situation in the interior at a distance from the road.

3. frontage on a road 3. narrow strip of land with very small front age compared to depth.

4. nearness to devel- oped area. 4. lower level requiring the depressed portion to be filled up.

5. regular shape. 5. remoteness from developed locality.

6. level vis-a-vis land under acquisition. 6. some special disadvantageous factor which would deter a purchaser.

7. Special value for an owner of an adjoining property to whom it may have some very special advantage.

(15) The evaluation of these factors of course depends on the facts of each case. There cannot be any hard and fast or rigid rule. Common sense is the best and most reliable guide. For instance, take the factor regarding the size. A building plot of land say 500 to 1000 sq. yds cannot be compared with a large tract of block of land of say 10000 sq. yds or more. Firstly while a smaller plot is within the reach of many, a large block of land will have to be developed by preparing a lay out, carving out roads, leaving open space, plotting out smaller plots, waiting for purchasers (meanwhile the invested money will be blocked up) and the hazards of an entrepreneur. The factor can be discounted by making a deduction by way of an allowance at an appropriate rate ranging approx. between 20% to 50% to account for land required to be set apart for carving out lands and plotting out small plots. The discounting will to some extent also depend on whether it is a rural area or urban area, whether building activity is picking up, and whether waiting period during which the capital of the entrepreneur would be locked up, will be longer or shorter and the attendant hazards.

(16) Every case must be dealt with on its own fact pattern bearing in mind all these factors as a prudent purchaser of land in which position the judge must place himself.

(17) These are general guidelines to be applied with understanding informed with common sense.

15. The factors indicated by the Supreme Court case shows that the comparable Instance would be those instances which have proximity from time angle and proximity from situation angle. After identifying the instance which provides the index of market value of the price reflected therein such value may be taken as a norm and the market value of the land under acquisition may be deduced by making suitable adjustments to the plus and minus factors vis-a-vis land under acquisition by placing the two in juxtaposition and thereafter, it has to be loaded and unloaded with plus and minus factor as pointed out above.

16. If the instances of sale are not available, instances of sale of similar land of adjoining village may be taken as guide. The Delhi High Court in the case of Anar Singh Vs. Union of India, has considered this aspect and has held that in absence of sale transaction of the same village the transaction of adjoining village can be relied. In the present case, there is no material on the record to show that any sale has taken place in the village where the acquired land is situated near about the date of notification u/s 4 of the Land Acquisition Act. Therefore, the sale transaction of the adjoining village, Mathurapur, may provide guidance for determining the market value of the land situate in the village in question. Exhibit-1 is the copy of sale deed dated 3.7.1979 in respect of 2 kathas 4? dhurs land of village Mathurapur for Rs. 9,000/-. The boundaries of the land, as given in the sale deed, shows that there was road on one side of the land sold and the

land was purchased for construction of house. The rate per katha, according to the valuation given in the sale deed, could be little above Rs. 4,000/- per katha. The other copy of sale deed, Exhibit-1/a is dated 13.6.1979 which is in respect of 5 decimal of land situate at village Mathurapur sold for Rs. 14,000/-. The boundaries, as given in the sale deed, shows that there was road on one side of the land. The rate per katha, according to this sale deed, would be near about Rs. 7,000/-. The learned Reference Court discarded these sale deeds only on the ground that they related to village Mathurapur. This approach of the Reference Court appears to be erroneous. In case of determination of compensation for the acquired land the yard-stick applied in civil cases regarding absolute proof is not necessary. A duty is cast on the court to find out a yard-stick to determine just compensation of the acquired land. One has to remember what the Supreme Court observed in the case of Hasanali Khanbhai and Sons and Others Vs. State of Gujarat, The Supreme Court observed:

...the Court is not like an umpire but is required to determine the correct market value after taking into account all the relevant circumstances should evince active participation in adduction of evidence; call to his aid his judicial experience, he should evaluate the relevant facts from the evidence the record applying correct principles of law which would be just and proper for the land under acquisition.

Supreme Court further observed that it is the contitutional statutory and social duty and the court should eschew aside feats imagination but occupy the arm-chair of a prudent willing but not too anxious purchaser and always ask the question as to what are the prevailing conditions whether a willing purchaser would as a prudent man in the normal market conditions offer to purchase the acquired land at the rates mentioned in the sale deeds and after due evaluation, taking into account all relevant and germane facts into consideration, the Court must answer as to what would be the just and fair market value.

17. The efforts of the court are always to find out as to what would be the just and fair market value which a prudent purchaser would be agreeable to purchase and at which the willing seller would be offering to sell. Merely because the sale deeds are of another village and there were no instances of the same village would not mean that acquired land had no saleable value and the instances of sale of adjoining village would not provide a guide for determining the just and fair market value of the acquired land.

18. It has been contended by the learned Counsel for the Respondent that there is no evidence on the record to show as to what was the distance of the land sold in Mathurapur from the land acquired and what was its location. He has further contended that Mathurapur has a Mandi (market) therefore the value in the village would be much higher than the value of the village in question. We may accept this contention for arguments sake that the land situated at village Mathurapur facted higher price on account of its location and it was having a Mandi, therefore the same value might not be fetched on sale of land which in

the adjoining village. But, at the same time, the court has to work out a just and fair market value with the help of little guess work after giving due allowance to the advantageous position of the land sold in Mathurapur. Even if the rate worked out on the basis of Exhibit-1 is taken to be Rs. 4000/- per katha for the land sold in village Mathurapur it may be considerably reduced to Rs. 1,000/- per katha for the acquired land which was not far off from village Mathurapur and the entire land abutted road and was near to the Railway Station, Hospital and School and had the potentiality of being used for building purposes. On account of the largeness of the area acquired and on account of the comparative disadvantageous position than the land of village Mathurapur, which may be in advantageous position on account of Mandi being there, the reduction of the rate, as evidenced by Exhibit-1, by 75% would be just and proper so as to determine the compensation for the acquired land at the rate of Rs. 1,000/- per katha.

19. The learned Counsel for the appellant has placed reliance on the case of Periyar and Pareekanni Rubbers Ltd. Vs. State of Kerala, wherein it has been laid down that it is for the claimant to adduce relevant material evidence to establish that the acquired lands are capable of fetching higher market value and the amount offered by the Land Acquisition Collector was inadequate and he proceeded on wrong premises or principle. There cannot be any dispute on the principle laid down on this case. The claimant has first to prove that the compensation awarded by the Land Acquisition Officer was inadequate and then he has to lead evidence what would be just and proper compensation. In the present case, the claimant has adduced evidence and, on its basis, as discussed above, the market value ought to have been fixed at the rate of Rs. 1,000/- per katha. This itself makes it clear that the compensation awarded by the Land Acquisition Officer was too low. The State did not lead any evidence to show as to on what basis the Land Acquisition Officer had awarded the compensation. Clause (d) of Sub-section (1) of Section 19 of the Land Acquisition Act provides that In making the reference the Collector shall state, for the information of the Court, in writing the grounds on which the amount of compensation was determined. The copy of the reference letter on record of the Reference Court does not contain any grounds on which the Land Acquisition Officer had determined the compensation. In its absence, on proof of the probable market value on the basis of the evidence led by claimane on record, the compensation awarded by the Land Acquisition Officer can obviously be said to be inadequate and too low. The burden is discharged by the claimant on proof of the higher market value than the rate awarded by the Land Acquisition Officer.

20. The learned Counsel for the Respondent has next contended that the claimant did not examine the vendor or vandee of the sale deeds of Exhibits-1 and 1/a and in its absence the Exhibits-1 and 1/a cannot be taken to be. bonafide sale deeds. In P. Ram Reddy''s case (supra) the Supreme Court considered the provisions of Section 51A of the Land Acquisition Act with has made the certified copies of the documents taken from the Registration Office to

be admissible in evidence. The Supreme Court has held, that the certified copy of the documents registrated under the Registration Act is admissible in evidence in proof of the evidence of transaction recorded in such document without vendor or vendee being examined. In view of this law the contention of the learned Counsel for the Respondent cannot be accepted. The certified copies of the sale deeds, Exhibits-1 and 1/a, are admissible in evidence regarding transaction recorded in those sale deeds by virtue of Section 51A of the Land Acquisition Act.

21. The learned Counsel for the Respondent has next contended that the A.W. 3, Sri Hardeo Singh, in his statement, has stated the market rate to be Rs. 4,000/- to Rs. 5,000/- per acre as such the compensation fixed by the Land Acquisition Officer cannot be said to be inadequate. The statement of A.W. 3 or for that matter of other witnesses regarding valuation of the land Is not worth reliance as the said statements appear to have been made merely out of imagination and are not based on any data or transaction. Reliance has not been placed on the oral testimony of any witness regarding the value of the land. Therefore, the statement of A.W. 3 is of no consequence in arriving at the just and proper value of the land acquired.

22. The learned Counsel for the Respondent has next contended that the compensation, as claimed by the Appellant, was excessive. The claimant appears to have claimed compensation at the rate of Rs. 6,000/- per katha. The said claim appears to be excessive in view of the findings recorded above that the just and proper value would be at the rate of Rs. 1,000/- per katha. It may also be pointed out that in the case of P. Ram Reddy (supra) the Supreme Court has laid down that on account of largeness of area in respect of acquisition of undeveloped land two-third reduction may be made from the value evidenced by sale of smaller area. The value, as determined by this Court above, is after deduction of three-fourth value of the rate evidenced by Exhibit-1. Therefore, the market rate as determined at Rs. 1,000/- per katha appears to be just and proper.

23. The contention of the learned Counsel for the Respondent that the sale transactions, evidenced by Exhlbits-1 and 1/a, cannot be taken to be bonafide transactions, does not appear to be reasonable. The said sale deed was executed in 1979 while notification under the Land Acquisition Act appears to have been made in 1981. It cannot be said that in 1979 the sale deeds were executed at inflated market rate in order to make it a basis for claiming compensation at higher rate in acquisition proceeding which appear to be initiated in 1981.

24. The claimant has claimed compensation in respect of well as well. The claimant is not entitled to the value of well separately. The well existed on the land acquired and it may be taken to be only source of irrigation which facility will only enhance the value of the land. The Supreme Court, in the case of O. Janardhan Reddy and others Vs. Spl. Dy. Collector, L.A. Unit-IV, LMD, Karimnagar, A.P. and others, has laid down that estimated construction cost of the wells cannot be separately assessed apart from assessment of market value

of the land. In this view, the claimant is not entitled to separate value of the well existing on the disputed land.

25. The Appellant has further claimed Rs. 1,500/- as value of the Neem tree. There appears to be no satisfactory evidence in that regard. The bald statement of Appellant as A.W. 4 regarding that valuation, cannot be accepted.

26. The learned Counsel for the Appellant has contended that Appellant is entitled to additional amount of 12% per annum as provided u/s 23(1)A and interest provided u/s 28 of the Land Acquisition Act. The Award in the case by the land. Acquisition Officer appears to have been made on 31.3.1983. The reference case was pending in 1984 when Section 23(1)A was inserted by the Land Acquisition (Amendment) Act, 1984. The Constitution Bench of the Supreme Court, in the case of K.S. Paripoornan Vs. State of Kerala and Others, has held that the amount payable u/s 23(1)A and enhanced solatium u/s 23(2) of the Land Acquisition Act as well as the interest u/s 28 would be payable in respect of those cases where award of the Collector have not been made prior to 30.4.1982. In the present case, the awaed of the Land Acquisition Officer has been made on 31.3.1983, that is, after 30.4.1982. The reference case was pending when the Land Acquisition (Amendment) Act, 1984, came into force, in these circumstances, the Appellant would be entitled to additional amount at the rate of 12% per annum of the market value from the date of notification u/s 4(1) of the Land Acquisition Act upon the date of Award or date of taking over possession, whichever is earlier. The solatium payable to the Appellant would be at the rate of 30% as provided u/s 23(2) of the Act. The Appellant shall be further entitled to get interest on the excess amount of compensation as is payable on the market rate determined by this Court at the rate of 9% per annum from the date, on which the possession of the land has been taken by the Collector to the date of payment of such excess of compensation, if the payment is made within one year of the date of taking over possession. If the payment is not made within one year of the date of taking of possession, interest at the rate of 15% per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess of compensation.

27. In view of the discussions above, the Appellant is held entitled to get compensation of the acquired land at the rate of Rs. 1,000/- per katha along with the amount of solatium and additional amount payable u/s 3(2) and 23(1)A respectively, as held above, along with interest payable in accordance with Section 28 of the Land Acquisition Act. The total amount of compensation payable to the Appellant shall be, accordingly, computed by the Reference Court. The appeal is allowed, accordingly, as indicated above.

