

**(2002) 01 SC CK 0053**

**In the Supreme Court Of India**

**Case No :** Civil Appeal 1919 of 1998 and Civil Appeal 1920, 1930, 2691 and 3292 of 1998

Krishi Utpadan Mandi Samiti

APPELLANT

Vs

K.N. Munshi and Another

RESPONDENT

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**Date of Decision :** 15-01-2002

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18

**Citation :** (2002) 2 JT 327 : (2002) 93 RD 552 : (2002) 2 UPLBEC 1160

**Hon'ble Judges :** V. N. Khare, J; Ashok Bhan, J

**Bench :** Division Bench

**Final Decision :** Dismissed

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## **Judgement**

1. A large tract of land was proposed to be acquired for the purpose of setting up Krishi Utpadan Mandi Samiti in village Behta Chand, district Hardoi. For that purpose, the state government issued a notification on 7th August, 1984 u/s 4 of the Land Acquisition Act, 1894. The said notification was followed by a notification u/s 6 of the Act. The land belonging to the respondents was covered by the aforesaid two notifications.

2. On 20th September, 1986 the land acquisition officer gave an award in respect of the acquired land. The land acquisition officer awarded compensation to the claimants on the basis of the classification of soil of the land. It varied from Rs. 3,334.52 to Rs. 8,590.90 per bigha. Aggrieved, the claimants sought reference before the civil court. The learned district judge uniformly enhanced the compensation at the rate of Rs. 54,500/- per bigha. The State of Uttar Pradesh as well as the appellant challenged the aforesaid judgment of the learned district judge by means of first appeals before the High Court. The High Court dismissed the appeals. It is against the said judgment of the High Court, the appellant is in appeals before us.

3. Learned counsel appearing for the appellant urged that since the large tract of land was acquired, there ought to have been at least 30% of the reduction made

towards the development charges in compensation awarded to the claimants. We do not find any merit in this submission. In the present case, it has been concurrently found that the acquired land has a potential for building construction. It was near to the residential colony constructed by the Avas Vikas Parishad. The learned district judge as well as the High Court referred to the award given for the land acquired by the Avas Vikas Parishad in the year 1979. In the said acquisition, the rate of compensation awarded was Rs. 2.25 per square ft. We, therefore, find that the compensation awarded to the appellant does not suffer from any infirmity.

4. The appeals fail and are, accordingly, dismissed. There shall be no order as to costs.