
(2009) 12 OHC CK 0037
In the Orissa High Court

Land Acquisition Officer

APPELLANT

Vs

Smt. Premasila Dei and Others

RESPONDENT

Date of Decision : 17-12-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4(1)

Citation : (2010) 109 CLT 252 : (2010) 1 OLR 985 Supp

Hon'ble Judges : Pradip Mohanty, J

Bench : Single Bench

Judgement

Pradip Mohanty, J.—This First Appeal is directed against the Judgment & Order Dated 11.10.1996 passed by the Learned Civil Judge (Sr. Division), Khurda in L.A. Misc. Case No. 72 of 1981.

2. The facts of the case, as borne out from the records, are that the Government of Orissa vide notification published u/s 4(1) of the Land Acquisition Act, 1894 on 02.06.1980 acquired the land measuring Ac. 0.850 decimals out of plot No. 21 measuring Ac. 1.240 decimals under khata No. 26 of Mouza Handiola under Tangi police station for construction of Micro Waves Station by the post & Telegraphs Department. The Land Acquisition Officer vide his Order Dated 31.03.1980 awarded a total sum of Rs. 8,797.50 paise as compensation. Being dissatisfied with the amount of compensation, the Respondents filed a petition & the matter was referred to the Court of Civil Judge (Sr. Division), Khurda u/s 18 of the Land Acquisition Act. The Learned Civil Judge (Sr. Division), Khurda vide Order Dated 04.12.1982 valued the land at Rs. 50,000 per acre with 15% as additional compensation & held that the Respondents were entitled to a sum of Rs. 49,875. Against that order, the Appellant filed First Appeal No. 108/1983. The Respondents filed their cross objection. By Order Dated 05.04.1995 after hearing both the parties this Court set aside the order passed by the Learned Civil Judge (Sr. Division), Khurda & remitted the matter back for reconsideration of the entire oral as well as documentary evidence available on record with the observation that the acquired land has potential value & the Respondents are

entitled for-higher compensation. After remittance, the Trial Court reconsidered the oral & documentary evidence & fixed the valuation of land in question at the rate of Rs. 1,00,000 per acre & directed the Appellant to pay the Respondents compensation at that rate with interest at the rate of 10% per annum since the date of acquisition of land till final payment. Hence this appeal. 3. Heard Miss Mishra, Learned Additional Standing Counsel appearing for the Appellant, & Learned Counsel for the Respondents. Perused the records. Since the notification is of the year 1980, the acquired land is located at a distance of 50 to 60 yards from Kalupadaghat railway station, a bazaar is located nearby, around the acquired land an Ice factory, mills etc have come in to existence & the matter is lingering for more than 29 years, this Court disposes of the appeal in the spirit of Lok Adalat by reducing the valuation of the acquired land to Rs. 97,000 from Rs. 1,00,000. The Respondents are entitled to get compensation at the rate of Rs. 97,000 per acre with 10% interest, as awarded by the Trial Court, besides statutory benefits.