
(2007) 04 OHC CK 0026

In the Orissa High Court

Land Acquisition Zone Officer

APPELLANT

Vs

Brusabha Pradhan

RESPONDENT

Date of Decision : 26-04-2007

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2007) CLT 829 Supp : (2007) 2 OLR 134 : (2007) OLR 829 Supp

Hon'ble Judges : A.K. Parichha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

A.K. Parichha, J.—This appeal is filed by the State against the order passed by the learned Civil Judge (Senior Division), Angul in L.A. Case No. 255 of 1993.

2. Ac. 1.37 decimals of land under Khata Nos. 47 of mouza Krushnapur belonging to the claimant-respondent was acquired for construction of Talcher-Sambalpur Rail Link. The Land Acquisition Officer after considering the relevant factors, and materials awarded compensation of Rs. 13,610.00 for the acquired land, Rs. 140.00 for the acquired trees besides solatium and interest. The respondent being dissatisfied with the award, raised objection and ultimately objection was referred to the Civil Court u/s 18 of the L.A. Act for determination of the quantum of compensation. That is how the matter has come up before the Civil Court in the above noted L.A. case.

3. To substantiate the claim for higher compensation, the respondent-claimant examined one witness only and did not produce any document. The Land Acquisition Collector neither examined any witness nor produced any document. On consideration of the evidence available on record, learned referral Court fixed the value of the land at Rs. 34,250/- value of the acquired trees at Rs. 1,700/- and directed payment of such amount alongwith statutory benefits as provided under the L.A. Act. Unhappy with such order, the State has preferred this appeal.

4. Mr. Sangram Das, learned Counsel appearing for the appellant submits that

the value of the land and trees assessed by the referral Court is very much on the higher side and is not supported by evidence.

5. Mr. R.N. Prusty, learned Counsel for the respondent argues per contra that the market value of similar variety of land of money other persons acquired in the same locality have been assessed at the same rate and so there is no justification to upset the finding of the learned referral Court.

6. Considering the verity, location and potency of land and the evidence of P.W., the learned Civil Judge fixed the rate of the land at Rs. 34,250/- which appears to be moderate and reasonable as similar rate was adopted for similar lands of the area. So, the compensation award for the lands appears to be reasonable. Regarding the amount of compensation for the trees, after prolonged argument learned Counsel for the parties concede that it is slightly on the higher side and that this amount may be reduced to some extent. Taking stock of the type and size of the acquired trees and the submission of the learned Counsel for the parties, it is felt expedient to reduce the amount of compensation towards the value of the trees from 1,700/- to Rs. 1,500/-.

7. In the result the appeal is partly allowed. The quantum of compensation awarded on account of the acquired land is confirmed, but the quantum of compensation for trees is reduced from Rs. 1,700/- to Rs. 1,500/-. The respondent to get his amount alongwith statutory benefits available under the L.A. Act.