
(2012) 09 AHC CK 0084

In the Allahabad High Court

Case No : First Appeal No's. 276, 312 of 1999, 41, 43 and 1258 of 2003

National Thermal Power Corporation Ltd.

APPELLANT

Vs

Mst. Kalawati

RESPONDENT

Date of Decision : 24-09-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4(1), 6

Citation : (2012) 11 ADJ 218 : (2013) 2 AWC 1348

Hon'ble Judges : Prakash Krishna, J;Arvind Kumar Tripathi, J

Bench : Division Bench

Advocate : B.K. Srivastava, G.L. Tripathi, J.N. Tiwari and K.M. Misra, for the Appellant; Arvind Kumar Dixit and V.D. Chauhan, for the Respondent

Judgement

Hon'ble Arvind Kumar Tripathi-II, J.—First Appeal No. 276 of 1999 N.T.P.C. Ltd. v. Kalawati and others (L.A.R. No. 42 of 1988), First Appeal No. 312 of 1999, N.T.P.C. Ltd. v. Ram Shankar and others (L.A.R. No. 25 of 1988, First Appeal No. 41 of 2003 Brij Kishor and others v. N.T.P.C. Ltd. (L.A.R. No. 39 of 1988), First Appeal No. 43 of 2003, Anand Bihari v. State of U.P. and others (L.A.R. No. 38 of 1988) and the First Appeal No. 1258 of 2003, N.T.P.C. Ltd. v. Mijailal and others (L.A.R. No. 40 of 1988) have arisen out of the same acquisition and are of the same village, hence they were heard together with the consent of the parties and are being decided by a common judgment.

First Appeal No. 276 of 1999, N.T.P.C. Ltd. v. Kalawati and others, has arisen out of judgment in L.A.R. No. 42 of 1988, dated 13.1.1999 passed by 4th Additional District Judge, Etawah.

F.A. No. 312 of 1999 N.T.P.C. Ltd. v. Ram Shankar and others, has been filed against the judgment, in L.A.R. No. 25 of 1988 passed by 4th Additional District Judge Etawah, dated 14.1.1999.

First Appeal No. 41 of 2003, Brij Kishor and others v. N.T.P.C. Ltd., has been filed against the judgment dated 10.9.2002 passed by 4th Additional District and

Sessions Judge, Court No. 5, Etawah, in L.A.R. No. 39 of 1988.

First Appeal No. 43 of 2003, Anand Bihari v. State of U.P. and others, has been filed against the judgment dated 10.9.2002 passed by Additional District & Sessions Judge Court No. 5, Etawah in L.A.R. No. 38 of 1988.

First Appeal No. 1258 of 2003, N.T.P.C. Ltd. v. Mijajilal and others, has been filed against the judgment dated 10.9.1993, passed by Additional District Judge, Court No. 4, Etawah passed in L.A.R. No. 40 of 1988.

FIRST APPEAL No. 276 of 1999 arising out of L.A.R. No. 42 of 1988

This L.A.R. has been filed by Musammat Kalawati, Janki Prasad and Ram Dutt against the award dated 4.12.1986 passed by Sp. Land Acquisition Officer, Etawah. The reference was referred to the District Judge Etawah, vide order dated 10.11.1987.

2. Plot No. 168/05.6 acre, plot No. 157/ 5.51 acre, plot No. 157/0.38 acre, plot No. 193/0.88 acre, plot No. 190/1.88 acre, plot No. 201/0.33 acre was acquired and notification u/s 4(1) of the Land Acquisition Act (hereinafter referred to as the "Act") dated 31.7.1986 was published in news papers on 4.8.1986. Notification u/s 6 of the Act was published in news papers on 22.8.1986. Above lands were situated in village Jamua in between Dibiyapur-Phaphund Road and railway line. Some of the plots were adjacent to Dibiyapur, which is on the eastern side of village Jamua. The award was given on 4.12.1986, by which the S.L.A.O. has fixed market value of the land @ Rs. 4.40 per sq. feet. Feeling aggrieved, the reference was filed.

The learned reference Court has framed the following issues :

1. Whether the compensation provided to the claimants is in adequate. If so, its affect.
2. Whether the officer, who has passed the award has jurisdiction to passed the award? If so, its effect.
3. Whether the petition is not maintainable u/s 18 of the Act?
4. Whether the reference is barred by time?
5. Whether the claimants have no right to file the reference?

3. Claimants have examined P.W.1 Janki Prasad. P.W.2 Ram Datt, P.W.3 Jagat Narayan, P.W.4 Saraswati Mishra and P.W.5 Sudhakar Agnihotri alongwith documentary evidences, which are (1) certified copy of sale-deed executed by Premwati regarding land of Dibiyapur, Kakarahi Bazar dated 27.6.1985, (2) will executed by Smt. Kalawati in favour of Janki Prasad and Ram Datt (3) Circle rate from the office of District Collector, Etawah dated 6.6.1985 (4) certified copy of sale-deed executed by Ram Kishore Gupta, of the land situated in village Jamua, (5) certified copy of sale-deed executed by Kalawati dated 9.12.1985 of the land situated in village Jamua, (6) Original copy of agreement to sale by Janki Prasad

and Ram Datt in favour of Vishun Pratap Singh, (7) certified copy of award dated 26.7.1990 regarding 0.99 acre land of village Vaisundhara, (8) certified copy of award dated 31.3.1990, passed by S.L.A.O. regarding acquisition of land area 1.19 acre of village Jamua.

4. From the side of State, Virendra Singh, Ameen, was examined as D.W.1, Ashok Kumar Gupta, Senior Manager, NTPC was examined as D.W.2. As documentary evidence the award and its related notices, description of land of village Jamua (C-1 and 2), list of selected exemplars, rate of land and description of Goswara and Khatauni, were filed.

5. Learned reference Court after going through the record and considering the oral and documentary evidence by the parties fixed the market value of the land @ Rs. 2,00,000/- per acre alongwith other statutory benefits, vide order dated 13.1.1999. Feeling aggrieved this First Appeal has been filed.

FIRST APPEAL No. 312 of 1999 arising out of L.A.R. No. 25 of 88.

6. This L.A.R. has been filed by the claimants Rama Shankar and Bhagwandas, against the award dated 4.12.1986 passed by Sp. Land Acquisition Officer, Etawah. The reference was referred to the District Judge Etawah, vide order dated 18.11.1987.

7. Plot No. 388/169 area 0.44 acre, plot No. 169/2.31 acre, plot No. 211/2.36 acre, total area 5.11 acre situated in village Jamua, plot No. 211/2.36 acre and plot No. 388/169 area 0.54 acre, Plot No. 169/2.31 acre, situate in village Jamua and plot No. 211 min./0.79 acre, plot No. 388/169 min. area 0.15 acre, and plot No. 169/0.79 acre, situate in village Jamua, plot No. 169/76, plot No. 211/79, plot No. 388/169 area 0.69 acre total area 1.17 acre was acquired and notification u/s 4(1) of the Act, was notified on 4.8.1986 and notification u/s 6 of the Act was published in the news papers on 22.8.1986. The S.L.A.O. has fixed market value of the acquired land @ Rs. 4.40 per sq. feet. Feeling aggrieved, the L.A.R. was filed.

8. The learned reference Court has framed the following issues :

1. Whether the compensation provided to the claimants is in adequate. If so, its affect.

2. To what reliefs, if any, the claimants are entitled.

9. Claimants have examined Ram Shankar as P.W.1, Chhotey Lal as P.W.2, Sunil Shukla as P.W.3, Sudhakar Agnihotri, Registration Clerk, as P.W.4. As documentary evidence (1) certified copy of sale-deed executed by Smt. Premwati dated 26.2.1985, (2) certified copy of sale-deed executed by Ram Krishna dated 17.12.1985, (3) certified copy of sale-deed executed by Premwati dated 26.6.1985 and (4) certified copy of sale-deed executed by Ram Swaroop dated 28.5.1985, have been filed.

10. From the side of opposite parties, D.W.1 Ashok Kumar Gupta, Senior

Manager, N.T.P.C. and D.W.2 Virendra Singh, Amin have been examined respectively. Original photocopy of impugned award, connected notices, description of land (Prapatra-11) and list of selected exemplars and Goswara were filed. Certified copy of award dated 31.3.1990 regarding 1.19 acre land situated in village Jamua and certified copy of award dated 26.7.1990 of the land situated in village Vaisundhara were also filed.

11. Learned reference Court after going through the record and considering the oral and documentary evidence adduced by the parties fixed the market value of the land @ Rs. 2,00,000/- per acre alongwith other statutory benefits, vide order dated 14.1.199. Feeling aggrieved this First Appeal has been filed.

FIRST APPEAL No. 41 OF 2003 arising out of L.A.R. No. 39 of 88.

12. This First Appeal has been filed by the claimants Ramashankar and Brij Kishor, against the judgment and award dated 10.9.2002 passed by the Court below.

13. 1.54 acre land in village Jamua was acquired by the State belonging to the claimants. Notification u/s 4(1) of the Act, was published in the news papers on 4.8.1986. Notification u/s 6 of the Act was published in the news papers on 22.8.1986. The award was given on 4.12.1986, by which the S.L.A.O. has divided the lands in three category, i.e. (1) Manjha Awaltod, (2) Manjha Doyam and (3) Manjha Doyam Khaki. The market value of the first category land was fixed @ Rs. 18193.46 per acre, the market value of II category Manjha Doyamtod was fixed to be Rs. 14965.88 and for the III category land Manjha Doem Khaki @ Rs. 8,564.81 per acre. Total compensation was fixed to be Rs. 26,829.13 alongwith other statutory benefits vide order dated 10.9.2009. Feeling aggrieved, reference was filed.

14. The learned reference Court has framed following issues :

1. Whether the compensation provided to the claimants is in adequate. If so, its affect.
2. Whether the officer, who has passed the award has jurisdiction to passed the award? If so, its effect.
3. Whether the petition is not maintainable u/s 18 of the Act.
4. Whether the claimants have no right to file the reference? If so, its effect.
5. To what reliefs, if any, the claimants are entitled.

15. The claimants have examined Brij Kishore as P.W.1, P.W.2 Chhotey Lal and P.W.3 Sudhakar Agnihotir. They have filed certified copies of sale-deeds paper No. 23C-1 executed by Smt. Premwati and another sale-deed executed by Ram Krishna.

16. From the side of opposite parties D.W.1 Virendra Amin and D.W.2 Ashok Kumar Gupta were examined. No documentary evidence has been filed from the

side of opposite parties.

17. Learned reference Court after going through the record and considering oral and documentary evidence has dismissed the reference. Feeling aggrieved this First Appeal has been filed.

FIRST APPEAL No. 43 of 2003 arising out of L.A.R. No. 38 of 1988.

18. This L.A.R. has been file by the claimant Anand Bihari, against the award dated 4.12.1986 passed by Sp. Land Acquisition Officer, Etawah. The reference was referred to the District Judge Etawah, vide order dated 10.11.1987.

19. 7.65 acre land was acquired by the State and notification u/s 4(1) of the Land Acquisition Act, dated 31.7.1986 was published in the news papers on 4.8.1986. Notification u/s 6 of the Act was published in news papers on 22.8.1986. Above lands were situated in village Jamua. The award was given on 4.12.1986, by which the S.L.A.O. has fixed the market value of the land @ Rs. 1,75,595.73 per acre. Feeling aggrieved, reference has been filed.

20. The learned reference Court has framed following issues :

1. Whether the compensation provided to the claimant is in adequate. If so, its affect.

2. Whether the officer, who has passed the award has jurisdiction to passed the award? If so, its effect.

3. Whether the petition is not maintainable u/s 18 of the Act.

4. Whether the claimants have no right to file the reference?

3. To what reliefs, if any, the claimant is entitled.

The claimants have examined P.W. 1 Bal Mukund Mishra, P.W.2 Chhotey Lal, P.W. 3 Sita Ram and P.W. 4 Sudhakar Agnihotir.

21. From the side of opposite parties D.W.1 Virendra Singh and D.W.2 Ashok Kumar have been examined. As documentary evidence, claimants have filed a certified copy of sale-deed vide list No. 23C and certified copy of three sale-deeds list 56C/1 to 3, Khasra, Khatauni and CH-41 were also submitted. No documentary evidence has been filed from the side of opposite parties.

22. Learned reference Court after going through the record and considering the oral and documentary evidence by the parties rejected the reference vide order dated 10.9.2002. Feeling aggrieved this First Appeal has been filed.

FIRST APPEAL No. 1258 of 2003 arising out of L.A.R. No. 40 of 88.

23. This L.A.R. has been filed by the claimants, against the award dated 4.12.1986 passed by Sp. Land Acquisition Officer, Etawah. The reference was referred to the District Judge Etawah, vide order dated 18.4.1987.

24. The claimants land which was situated in village Jamua was acquired by the State and notification u/s 4(1) of the Act, dated 31.7.1986 was published in news papers on 4.8.1986. Notification u/s 6 of the Act was published in news papers on 22.8.1986. The award was given on 4.12.1986. Against this reference was made.

The learned reference Court has framed following issues :

1. Whether the compensation provided to the claimants is in adequate. If so, its affect.
2. Whether the officer, who has passed the award has jurisdiction to passed the award? If so, its effect.
3. Whether the petition is not maintainable u/s 18 of the Act.
4. Whether the claimants have no right to file the reference?
5. To what reliefs, if any, the claimants are entitled.

25. Claimants have examined P.W.1 Raja Ram, P.W.2 Bal Mukund and P.W.3 Kamlesh Babu and documentary evidence have filed, which are (1) certified copy of sale-deed executed by Premwati, in favour of Siyawati, dated 27.6.1985 regarding land of village Jamua, (2) certified copy of sale-deed executed by Ram Prakash in favour of Suresh Chand of plot in village Jamua dated 23.3.1985 (3) certified copy of sale-deed executed by Ram Krishna in favour of Chhotey Lal dated 17.12.1985 (4) certified copy of sale-deed executed in favour of G.B. Laboratory dated 4.2.1978 village Jamua, and (5) Naksha Chakbandi and other documentary evidence which will be discussed later on, if necessary.

26. From the side of opposite parties D.W.1 Ashok Kumar Gupta, Senior Manager, NTPC has been examined, but no documentary evidence has been filed from their side. Even the exemplar on which SLAO has considered and relied upon, has not been filed.

27. Learned reference Court after going through the record and considering the oral and documentary evidence adduced by the parties, fixed the market value of the plot No. 261 area.50 acre @ Rs. 12/- per sq. feet, remaining area of plot No. 261 area.59 acre @ Rs. 10/- per sq. feet, and other land @ Rs. 1,80,000/- per acre alongwith other statutory benefits vide order dated 10.9.2003. Feeling aggrieved this First Appeal has been filed.

28. Since the references in First Appeal No. 41 of 2003 and 43 of 2003 have been rejected, hence they will be discussed later on, after discussion of evidence in First Appeal Nos. 276 of 1999, 312 of 1999 and First Appeal No. 1258 of 2003.

29. A perusal of the decisions of the above land acquisition cases, it is clear that the sale-deed/exemplar on which S.L.A.O. has relied, has not been filed in any of the L.A.R's.

30. In the case of Sagunthala (Dead) through LRs. Vs. Special Tehsildar (L.A.)

and Others, , the Apex Court has held that:

28. It is settled that the burden of establishing/proving the market value of the lands is always on the claimants. In *Periyar and Pareekanni Rubbers Ltd. Vs. State of Kerala*, , this Court held that it is the duty of the Court to determine just and fair market value. It was further held that the claimants should produce necessary evidence on the value of land since the burden of proof is on them to establish the higher compensation claimed.

29. While agreeing with the judgment in *Periyar and Pareekanni Rubbers Ltd. Vs. Special Deputy Collector and another etc.* , this Court held that in a claim for enhancement of compensation the burden of proof was on the claimants that the land was capable of fetching higher compensation.

30. Further, in *Kiran Tandon Vs. Allahabad Development Authority and Another*, , it was held that (SCC P. 754, para 10)

10....The burden of proving that the amount of compensation awarded by the Collector is inadequate lies upon the claimant and he is in the position of a plaintiff.

31. The Court, therefore, has to treat the reference as an original proceeding before it for determination of the market value afresh on the basis of the material produced before it. The claimant in the position of a plaintiff has to show that the price offered for his land in the award is inadequate on the basis of the materials produced in Court. The material produced and proved by the other side will also be taken into account for this purpose. (See p. 754, para 10 of *Kiran Tandon*.)

31. In the case of *Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and Another*, , the Apex Court has capsulized certain factors which ought to be considered while deciding the market value of the acquire land. The relevant is reproduced below :

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 merely 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 an 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 materials produced in the Court. Of course the materials placed and proved by the other side can also be taken into account for this purpose.

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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.

Thus post-notification instances can also be taken into account if they fulfill criteria mentioned above.

32. In L.A.R. Case No. 42 of 1988 and L.A.R. Case No. 25 of 1988, the reference Court has relied upon the award passed by S.L.A.O. regarding 1.19 acre land of village Jamua, in which the S.L.A.O. has fixed market value of the land as Rs. 1,93,600/- per acre wide award dated 31.3.1990. Another award also has been filed in all the above cases in which 0.99 acre land of village Vaishundhara was acquired and S.L.A.O. has fixed Rs. 1,60,000/- per acre, so it is obvious that the S.L.A.O. for the same land could not go below the market value awarded/offered to the other villagers of the same village. Learned reference Court, has after considering the other sale-deeds filed by the claimants in all the above cases has found that according to those sale-deeds, the market value comes to Rs. 4,00,000/- per acre, but considering the building potentiality of the acquired land and the award mentioned above held that Rs. 2,00,000/- per acre will be adequate.

33. A perusal of the reference Court judgment reveals that it has considered the market value from many angles and has decided that the market value of acquired land is Rs. 2,00,000/- per acre. We do not find any illegality in the market value fixed by the reference Court. The view taken is also supported by the decision in the case of G.M., O.N.G.C. Ltd. Vs. Sendhabhai Vastram Patel and Others, , in which the Apex Court has held in this case that :

While determining the amount of compensation payable in respect of the lands acquired by the State, indisputably, the market value therefor has to be ascertained. Although, there exist different modes for arriving at the market value for the land acquired; the best method, however, as is well known would

be the amount which a willing purchaser of the land would pay to the owner of the land as may be evidenced by the deeds of sale. In the absence of any direct evidence or the said point, the Court may take recourse to other methods viz. Judgments and awards passed in respect of acquisition of lands made in the same village and/or neighbouring villages. Such a judgment and award in the absence of any other evidence lie deed of sale, report of expert and other relevant evidence, however, would have only evidentiary value.

34. In view of this fact that no evidence has been filed from the side of State, learned reference Court has relied upon the evidence adduced by the claimants. Learned tribunal has held that the acquired land is situated near the Vaidik Inter college and abut the road Dibyapur to Ajit Mal via Phaphund. The witness D.W.1 has also accepted in his statement that the land of village Jamua has merged in the abadi of Dibiyapur. He has also admitted that there is a railway station "of Northern railway by the name of Dibyapur Phaphund and also admitted that some of the acquired land is situated on the side of road. It is admitted fact that the SLAO has not considered the sale-deeds of village Jamua. It has considered the sale-deeds of another village, while sale-deeds of village Jamua was on record. It is also admitted that SLAO has after elaborate discussion of the sale-deeds and rates has found that some of the land acquired from village Jamua was acquired for NTPC and by the award dated 31.3.1997, the SLAO has offered the market value to be Rs. 1,93,600/- per acre. Thus we are of the considered opinion that Reference Court has rightly fixed the market value of the acquired land @ Rs. 2,00,000/- per acre.

35. In L.A.R. No. 40 of 1988 considering the entire evidence, reference Court has fixed the market value of plot No. 261 which abuts Dibiyapur Ajitmal main road and of which.50 acre land is on the side of road at the rate of Rs. 12/- per sq. feet. and.59 acre land which is at a distance from the road. At the rate of Rs. 10/- per sq. feet and fixed the rate of remaining land @ Rs. 1,80,000/- per acre.

36. A cross objection was also filed by the claimants in the year 2004, but the valuation has not been given therein and this Court has vide order dated 20.9.2004 directed to remove the defects in the light of objections made by Stamp reporter, but till now it has not been removed. In view of this the cross objection is rejected.

37. There is no evidence to show that the reference Court has committed illegality or irregularity in fixing the market value of the acquired land.

F.A.No. 41 of 2003 and F.A. No. 43 of 2003 (Claimants appeals)

38. In First Appeal No. 41 of 2003 and First Appeal No. 43 of 2003 which arose from the judgment of L.A.R. Nos. 39 of 1988 and 38 of 1988, no documentary evidence has been filed by the opposite parties. Even the exemplars relied upon by the SLAO has not been filed.

39. As we have discussed above and has been held by Chimanlal Hargovind Das

(supra) that the reference 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 and while doing so the materials placed and proved by the other side can also be taken into account for that purpose. Since the exemplar relied upon by the SLAO has not been filed, hence it is virtually no evidence for the opposite parties. In absence of any such documentary evidence, the Reference Court has erred in relying upon the award passed by SLAO.

40. In L.A.R. No. 39 of 1988, witnesses were produced to prove that the land was being sold @ Rs. 12/- per Sq. feet. The sale-deed executed in favour of Chhotey Lal by Ram Krishna and Awadhesh Kumar in December, 1985 have been filed. Another sale-deed executed by Smt. Premwati in favour of Smt. Siyawati dated 17.7.1985 has also been filed. Learned reference Court has rejected these sale-deeds on the ground that they are of very small area. The photocopy of the decision of L.A.R. No. 42 of 1988 Kalawati and others v. State of U.P. Dated 13.1.1999 was also produced before the reference Court, but the reference Court has not considered it on the ground that it is not of certified copy and on the ground that an appeal is pending before the High Court against the reference Court's judgment.

41. It has come in the evidence that SLAO himself has fixed the market value of the land of village Jamua, which has been acquired vide other notification to be Rs. 1,93,000/- so the market value of land cannot be fixed lesser than that. In the case of LAR No. 42 of 1988 and 25 of 1988 regarding the acquisition of the land of same village, the reference Court has fixed the market value of the land to be Rs. 2,00,000/- per acre, so this is the adequate market value of the acquired land in LAR Nos. 41 of 2003 and 43 of 2003.

42. In The State of Madras Vs. A.M. Nanjan and Another, , the Apex Court has held as follows :

The awards given by the Land Acquisition Collector are at least relevant material and may be in the nature of admission with regard to the value of the land on behalf of the State and if the land involved in the awards is comparable land in the reasonable proximity of the acquired land, the rates found in the said documents would be a reliable material to afford a basis to work upon for determination of the compensation on a later date. The awards can be taken as safe guides and are admissible in evidence for the determination of compensation.

43. First Appeal No. 276 of 1999 arising out of L.A.R. No. 42 of 1988 has been disposed of by us and we have held that the rate of Rs. 2,00,000/- per acre fixed by the reference Court is adequate.

44. In view of the above, we are also of the view that the judgment of the reference Court in L.A.R. No. 39 of 1988 cannot be sustained and is liable to be quashed and the market value of the acquired land is liable to be fixed @ Rs. 2,00,000/- per acre.

45. L.A.R. No. 38 of 1988, the same set of the witnesses and the same set of the documentary evidence have been filed and considered by the reference Court. In this case, the exemplars relied upon by the SLAO has not been filed. In this case the decision of L.A.R. No. 38 of 1988 Smt. Kalawati and another v. State of U.P. and others, dated 13.1.1999 has also been filed and the same has been rejected on the same ground by which the reference Court has rejected the same in L.A.R. No. 39 of 1988.

46. In view of the above, we are also of the view that for the reasons mentioned above, the decision in L.A.R. No. 38 of 1988 is also liable to be quashed and the market value has to be fixed @ Rs. 2,00,000/- per acre.

47. From the above discussion, we are of the view that the First Appeals No. 276 of 1999, 312 of 1999 and 1258 of 2003 are liable to be dismissed and is hereby dismissed. The award of the reference Court is confirmed, with costs. The First Appeal No. 41 of 2003 and First Appeal No. 43 of 2003 are allowed and the decision of the reference Court in L.A.R. Nos. 39 of 1988 and 38 of 1988 are hereby set aside. The market value of the acquired land is fixed @ Rs. 2,00,000/- per acre and the claimants are also entitled for other statutory benefits mentioned in the Land Acquisition Act. The above references stand allowed partly with costs throughout, as indicated above and it is held that the claimants are entitled to get compensation @ Rs. 2,00,000/- per acre alongwith all the statutory benefit.