

(2010) 04 SHI CK 0158
In the High Court Of Himachal Pradesh

Ramji Dass and Others and Vishwa Dev and Others	APPELLANT
Vs	
Land Acquisition Collector and Others	RESPONDENT

Date of Decision : 26-04-2010

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2010) 04 SHI CK 0158

Hon'ble Judges : V.K. Ahuja, J

Bench : Single Bench

Judgement

V.K. Ahuja, J.—This judgment shall dispose of both the appeals filed by the appellants.

2. Learned Counsel for the appellants has placed on record today a photo copy of the Award passed in the other connected case by the Court of learned Additional District Judge, Shimla. The same is allowed to be placed on record as Annexure P-1 and the same stands already filed in RFA No. 146 of 2000, which stands already marked as Annexure P-1.

3. The learned Advocate General has conceded that no appeal was filed by the State of H.P. against the judgment passed by the learned Additional District Judge, Shimla, which is Annexure P-1 dated 18.5.2007, placed on record today.

4. The present appeal has been filed by the appellants against an award passed by the learned District Judge in Land Reference Nos. 16-S/4 of 1997 and 17-S/4 of 1997, decided on 6.9.1999.

5. Briefly stated, the facts of the case are that the State of H.P. vide Notification issued u/s 4 of the Land Acquisition Act on 24.2.1996, acquired land for the purposes of construction of road Badiara-Maghara road. The Land Acquisition Collector entered into reference and determined the market value of the land at Rs. 6,857.34 per Bigha. The petitioners filed reference petitions claiming that the market value of the land was not less than Rupees Two Lac per Bigha. The learned District Judge tried the reference petitions and after recording of the

evidence, vide impugned award, he assessed the market value of the land at Rs. 22,600/- per Bigha.

6. Being aggrieved, the appellants have filed the present appeal.

7. I have heard the learned Counsel for the parties and have gone through the record of the case.

8. During the course of arguments, it has been pointed out by the learned Counsel for the appellants that another reference petition decided by the learned Additional District Judge, Shimla, vide his judgment dated 18.5.2007, copy placed on record as Annexure P-1, the value of the land acquired vide the same notification has been assessed by the Additional District Judge at Rs. 5,000/- per Biswa. The State has not preferred any appeal against the said award, meaning thereby that the said judgment has attained finality. There is nothing on record that the land of the appellants was of different quality or they are not entitled to the same rate as granted by the Court of learned Additional District Judge, Shimla. I accordingly hold that the appellants are entitled for compensation at the rate of Rs. 5,000/- per Biswa as determined by the learned Additional District Judge, Shimla, in Land Reference No. 28-R/4 of 2004. A copy of judgment Annexure P-1 is on record. Both the appeals stand allowed and the appellants are held entitled for compensation at the rate of Rs. 5,000/- per Biswa for their land alongwith compulsory acquisition charges and solatium etc. as granted by the learned trial Court as per law. The learned Land Acquisition Collector shall make calculations of the amount within four months from today and shall make the payment. Accordingly, both the appeals stand allowed. Parties are left to bear their own costs. A certified copy of the judgment be also placed on the record of RFA No. 146 of 2000.