

(1999) 09 MP CK 0020

In the Madhya Pradesh High Court

Case No : First Appeal No. 254 of 1997

Sitaram

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 01-09-1999

Acts Referred:

Land Acquisition Act, 1894 — Section 31

Citation : (2000) 1 JLJ 29

Hon'ble Judges : Shambhoo Singh, J; Bashir Ahmed Khan, J

Bench : Division Bench

Advocate : D.D. Vyas, A.A.G. and S.M. Jain, P.K. Saxena, A.S. Garg, M.D. Arya, O.P. Arya, R.C. Verma, T.S. Bhatia, S.C. Patidar and K.L. Hardia, for the Appellant; B.G. Neema and Joshi, for the Respondent

Final Decision : Allowed

Judgement

B.A. Khan, J.—These are a mixed bag of appeals filed by both Union of India and the land-holders whose land was acquired for defence purposes. Being identical in nature these are disposed off by this common order.

2. Land measuring 4827.63 hectares or so situate in as many as 21 villages of Mhow Tehsil was acquired for two firing ranges of Bercha and Hema sometime in 1996. LAO determined compensation for this awarding Rs. 52,500/- per hectare for irrigated land, Rs. 35,000/- for unirrigated and Rs. 30,000/- for uncultivated land in Bercha range and Rs. 67,500/-, Rs. 45,000/- and Rs. 40,000/- per hectare in the same order in Hema range. Land holders felt dissatisfied with this and in their reference, District Court enhanced the compensation to Rs. 88,000/- p.h. (irrigated), Rs. 58,000/- (unirrigated and uncultivated) in Bercha range and Rs. 88,000/- p.h. (irrigated) and Rs. 58,000/- (unirrigated) and Rs. 40,000/- for uncultivated land in Hema range.

3. Award passed by the District Court is the bone of contention in these appeals filed by both sides. Union of India has attacked the award on many grounds

including that it suffered from want of basis inasmuch as comparable sale deeds were not proved by the executants and that interest was wrongly awarded from the date of taking over of possession of the land.

4. Likewise land-holders have also taken all conceivable grounds to assail the award. According to them even when reference Court had found them entitled to higher compensation, it had strangely restored to impermissible averaging method to fix the compensation in disregard of evidence on record.

5. We would have very much liked to examine the merit of rival contentions, but it would serve the interests of none. It could only prolong the agony of petty land-holders without resulting in any gain to Union Coffers. Assuming appeals filed by the Union were to be allowed, it could prove futile because compensation amount awarded by reference Court stood paid or was in the process of being paid to land holders under the orders of this Court with little or no prospects of its recovery. Similarly if land-holders' plea was to be entertained, it could entail remand to the reference Court and protract the proceedings for years on to their disadvantage and detriment. Therefore, taking all this into consideration and given regard to the interest of both parties we deemed it appropriate to end this litigation in "let be gones and be by gones" spirit, because advertent to the issues raised by the parties would have opened Pandora's Box resulting in unending litigation causing avoidable hardship and inconvenience more particularly to poor land holders who have reportedly gone through considerable sufferings during the last 11 years for the sake of National Defence. This is not to shy away from taking the adjudication to logical end but to terminate the litigation to the mutual advantage and benefit of both sides.

6. Viewed thus, all appeals filed by the Union as also the land-holders and their cross-objections except cross-objection (PR No. 98/98) are hereby dismissed and the award passed by the reference Court affirmed which shall be satisfied by the Union without deducting any tax within six months from today.

7. At this stage it was pointed out by LC for Appellants/land-holders that while the LAO had passed the award, he had failed to tender and deposit the award amount forthwith u/s 31 of LAA and had done so only after one year or so. This amount was later kept in a Bank deposit and what is worse interest accruing thereon was adjusted by him in the compensation amount. It is submitted that this interest was otherwise payable to the claimants/land-holders under the mandate of Supreme Court judgment and Section 31 of the Act.

8. We find substance in the submission and direct the Land Acquisition Officer to calculate nine percent interest on the award amount deposited by him in the Bank till such amount was paid or offered to be paid to the claimants/land-holders and to take steps to reimburse such amount to them.

9. It was also pointed out that some of the land holders were only left with their houses on acquisition of their respective holdings. Such land holders could be given the benefit of rehabilitation Scheme adopted by the Union as their case

stood recommended by the State Government. This plea is not borne by the record and in case any land holder felt aggrieved of this, he/she could approach the Court in an appropriate remedy.

10. L/C for Respondent in FA No. 296/97 submitted that Respondent had filed cross objections in the appeal to pinpoint the error committed by Reference Court in awarding Rs. 45,000/- p.h. for unirrigated land where it had awarded Rs. 58,000/- p.h. in similar cases. The plea is substantiated by the record. Resultantly cross objections of this Respondent are allowed to the extent that Appellant Union shall pay him @ Rs. 58,000/- p.h. compensation for the land acquired from him. Court fee deposited in the appeals filed by claimants/land holders shall be returned to them. Registrar to take necessary steps for this.