

(1982) 10 SHI CK 0001

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No's. 16 to 21 of 1973

State of Himachal Pradesh

APPELLANT

Vs

Amar Singh and Others

RESPONDENT

Date of Decision : 13-10-1982

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 23, 54

Citation : AIR 1983 HP 70

Hon'ble Judges : V.D. Misra, C.J

Bench : Single Bench

Advocate : Inder Singh, General, for the Appellant;

Final Decision : Dismissed

Judgement

Vyas Dev Misra, C.J.—This judgment will dispose of Regular First Appeals Nos. 16 to 21 of 1973 since they arise out of the same award.

2. For the construction of Beas Dam at Pong, extensive areas of land were acquired. Notifications D/- 1-4-1961 and 11-1-1962 under Sections 4 and 6 of the Land Acquisition Act were issued. Various agricultural lands including the villages themselves were included in the notifications. The claimants duly asked for compensation. The Land Acquisition Collector found that there were no examples and so crop cutting experiments in Haldoon Valley were undertaken. It was calculated that Rs. 1,900/-per kanal was the fair price for the Nehri-Dofasli land. However, after taking into consideration the fact that Rupees 300/- per kanal for Nehri-Dofasli land were offered by the department, the Collector added Rs. 1,000/- to Rupees 300/- and arrived at a mean figure of Rs. 650/- per kanal for Nehri-Dofasli land. This was the amount which was offered to the claimants.

3. On a reference made to the District Judge, the learned Additional District Judge came to the conclusion that Rs. 1,000/- per kanal for Nehri-Dofasli land should have been awarded. He, therefore, increased the compensation.

4. The State has now preferred the present appeals. I find that in R. F. As. Nos.

16, 18, 16 and 20 of 1973 a very petty amount of enhancement is involved. For the purposes of Court-fee each appeal has been valued at Rs. 620-09 paise. For such petty amounts this Court had decided long ago that the appeals should not be entertained since the amount which the poor claimants will have to spend in order to defend the appeals in the High Court will be highly disproportionate. Keeping in view the fact that the claimants were made to sacrifice their hearth and homes for the benefit of the nation, and also the fact that in a socialist democratic republic the citizens should not be harassed for petty amounts, this Court has been dismissing all such appeals in limine. These appeals can, therefore, be dismissed on this short ground. How-ever, I will presently refer to the merits also.

5. In respect of the remaining appeals I find that R.F.A. No. 17 of 1973 has been valued for the purposes of court-fee at Rs. 1520-24 paise, and R.F.A. No. 21 of 1973 at Rs. 2391-49 paise. These appeals also have to be treated as for petty amounts and dismissed on this short ground alone.

6. I find that this Court in R.F.A. No. 309 of 1980, State of Himachal Pra-desh v. Bhagat Ram, decided on 13th October, 1980, has already held that Rs. 1,000/- per kanal for Nehri-Dofasli land is the proper compensation in respect of the land situated in Tika Kohala, Mauza Anur. In view of this decision these appeals are dismissed on merits also. Since no one has put in appearance on behalf of the respondents, therefore, no order as to costs is made.