
(2006) 06 OHC CK 0021
In the Orissa High Court
Case No : First Appeal No. 201 of 1981

State of Orissa (L.A. Collector)	Vs	APPELLANT
Purna Chandra Pradhan and Another		RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2006) 2 OLR 461

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

Bench : Single Bench

Advocate : Addl. Standing, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Parichha, J. 1. This is an appeal by the State against the order of learned Sub-ordinate Judge, Cuttack in L.A. Case No. 286 of 1978 enhancing the quantum of compensation fixed by Land Acquisition Collector, Cuttack in respect of the land of the respondents.

2. The appellant acquired A.O. 212 dec. of land appertaining to plot Nos. 1316, 1315, 1317 and 1319 under Khata No. 538 of Mouza Bara Bisinabar, Cuttack belonging to respondents for construction of staff quarters of Judicial Officers at Cuttack. The Land Acquisition Collector awarded compensation for the acquired land at the rate of Rs. 1 lac per acre. But the respondents were not satisfied with that award and prayed for reference of the matter u/s 18 of the Land Acquisition Act. The matter was accordingly referred to learned Sub-ordinate Judge, Cuttack, who conducted inquiry and passed the impugned order. In that proceedings, the respondents examined respondent No. 1 as p.w.1 and one Advocate's Clerk, as p.w.2 and produced some documents, namely, certified copy of sale deeds and order passed by learned Subordinate Judge, Cuttack in L.A. Case No. 223 of 1978. The appellant examined one witness and produced some sale deeds. Learned Sub-ordinate Judge did not rely on the certified copies of the sale deeds as neither the vendor nor vendee or scribe was examined to prove the contents

of those documents. He similarly discarded the sale deeds, which were produced by the appellant, as those documents were never taken into consideration by the Land Acquisition Collector while assessing the quantum of compensation of the land of the respondents. Learned Sub-ordinate Judge, however, relied on Ext. 1, the order in L.A. Case No. 223 of 1978 as the land involved in that case is situated in the same locality as that of the acquired land of the respondents and has the same advantage and potency as that of the acquired land and accordingly awarded compensation @ Rs. 8,000/- per gunth, the same rate which had been awarded in L.A. Case No. 223 of 1978. Aggrieved with such order, the State has now preferred the present appeal.

3. Mr. Padhi, learned Additional Standing Counsel appearing for the State-appellant submitted that the records of 1930 settlement show that the acquired land was Sarada agricultural land and the respondents also admitted in his statement that he was raising vegetables on that land and so award of compensation at the rate of homestead land by the learned Sub-ordinate Judge, Cuttack was not proper. He also submitted that by not considering the sale deeds produced by the appellant learned Sub-ordinate Judge committed legal error and for that reason, the matter should be remanded for fresh consideration.

4. The respondents offered no argument.

5. A close perusal of the evidence on record would show that the land in question situates inside the City of Cuttack and Link Road, Bus Stand, Sales Tax Colony, Mal-godown are situated close by. It is also there in the evidence of the parties that electricity, water supply and Municipality Road facilities are available to the acquired land. It is also not disputed by any concerned that some improvement had been done to the land and it had become fit for homestead. So, there is no substance in the argument that it was an agricultural land. The order in L.A. Case No. 223 of 1978 shows that land of one Ganesh Rout which adjoins the acquired land of the respondents was acquired by the State and compensation at the rate of Rs. 8,000/- per gunth was awarded. Evidence of the witnesses clearly shows that the facilities available to the land of Ganesh Rout are also available to the acquired land of the respondents and further more, the land of the respondents is situated closer to the Link Road, than the land of Ganesh Rout.

6. It is well settled that the awards of the Court are best pieces of evidence as the awards are made after objective assessment of evidence. So, learned Sub-ordinate Judge did not commit any legal error in discarding the sale deeds and relying on the rate of compensation awarded in L.A. Case No. 223 of 1978. Both the lands are situated adjoining to each other and the facilities and potency of the lands are similar, therefore, award of compensation at a similar rate of Rs. 8,000/- per gunth was just and proper.

7. The impugned order is based on evidence on record and sound reasoning and is also in consonance with the settled position of law. Therefore, there is no scope of interfering with the rate of compensation awarded by learned

Subordinate Judge, Cuttack. Consequentially, the impugned order is confirmed and the appeal is dismissed on contest. However, parties are directed to bear their own costs in this appeal.