
(2003) 04 OHC CK 0024

In the Orissa High Court

Case No : F.A. No's. 238, 239, 241 and 243 of 1997

The Special Land Acquisition Officer, NALCO

APPELLANT

Vs

Pramod Kumar Bisoi and Gunjamali Dei

RESPONDENT

Date of Decision : 09-04-2003

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (2003) 96 CLT 63

Hon'ble Judges : Pradip Mohanty, J

Bench : Single Bench

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

Final Decision : Partly Allowed

Judgement

Pradip Mohanty, J.—Being aggrieved by a common award dated 5.4.1997 passed by the Civil Judge (Sr. Divn.), Angul, in L.A. Misc. Case Nos. 146, 144, 145 and 147 of 1991, the appellant-NALCO Ltd. has preferred these first appeals before this Court. Therefore, this common judgment will govern all the cases.

In spite of issuance of notices, there has been no appearance on behalf of the respondents when the matter, was taken up for hearing.

2. The facts, in brief, is that admittedly the appellant-NALCO Ltd., by virtue of Government notification published in E.O.G. No. 154 dated 3.2.1982 acquired lands of village Kulad for construction of the NALCO project, Angul. The respondent-claimants are owners in possession of the disputed lands and they received the compensation on protest for which the Land Acquisition Officer referred the matter u/s 18 of the Land Acquisition Act to the learned Civil Judge (Sr. Divn.), Angul.

3. During hearing of the case, this Court is apprised of the judgment in F.A. No. 164 of 1997 (Ananda Ch. Bisoi and Anr. v. The Executive Director, NALCO Ltd., Angul) in which a batch of cases have been disposed of on 14.7.2000. and this Court following the principle of the Hon'ble Supreme Court, in Civil Appeal Nos.

4932 and 4933 of 1994, while confirmed the valuation relating to Sarad lands, has reduced the compensation in respect of Taila lands to Rs. 27,000/- per acre for the lands near the National High Way, Rs. 22,500/- per acre for the lands near Grama Panchayat Road, and Rs. 18,000/- per acre in respect of other Taila lands not adjacent to any road. This Court perused the evidence on record and the impugned award. The settled position of valuation fixed at the Apex Court is squarely acceptable in this Court. The lands in the present cases are in the same locality and were acquired for the same purpose of construction of the NALCO Ltd. at Angul. The impugned award is accordingly modified to the above extent.

4. In the result, with the aforesaid modification, the first appeals are allowed in part to the extent indicated above. There will be no order as to costs.