
(1996) 05 AHC CK 0096
In the Allahabad High Court
Case No : First Appeal No. 757 of 1986

Udai Ram (dead)	Vs	APPELLANT
State of U.P.and Another		RESPONDENT

Date of Decision : 02-05-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 4(1), 54, 6

Citation : (1996) 05 AHC CK 0096

Hon'ble Judges : R.K.Mahajan, J

Final Decision : Disposed Of

Judgement

R. K. Mahajan, J.—The order in this First Appeal will also govern disposal of First Appeal No. 758 of 1986 (Pradip Kumar v. State of U.P. & Anr.), First Appeal No. 761 of 1986 (Puran Chand v. State of U.P. & Anr), First Appeal No. 764 of 1986 (Shyam Lal v. State of U.P and another) and First Appeal No. 348 of 1987 (Bhopal v. State of U.P. and Another. as the facts involved in the aforesaid appeals are same. All the aforesaid matters are covered under Scheme No. 7 of U.P. Avas Vikas Parishad Scheme/house construction and road construction.

2. Notification under Section 4(1) of Land Acquisition Act, 1894 (hereinafter referred to as the Act) was issued on 951970. Notice Section 6 of the Act was issued on 461976. The Special Land Acquisition Officer passed the award under Section 11 of the Act on 2531980 awarding compensation at the rate of Rs. 2.81 per square yard. The learned District Judge, Meerut awarded compensation at the rate of Rs. 14/ per square yard vide his judgment dated 1551985.

3. Feeling aggrieved the appellant filed the present First Appeal under Section 54 of the Act claiming Rs. 30 per square yard as compensation and describing the finding of the learned District Judge as bad in law.

4. I have heard the Counsel for the parties. Shri Vineet Saran appeared on behalf of the appellant and Shri YM. Sahi for the respondent U.P. Avas Evam Vikas Parishad.

5. Shri Vineet Saran has brought to my notice judgment of this Hon''ble Court, rendered in First Appeal No. 179 of 1989, U.P. Avas Evam Vikas Parishad v. Yadu Raj Narayan, delivered on 28/10/1994 granting compensation at the rate of Rs. 28.35 per square yard. Learned Counsel for the appellant states that the said judgment covers the present appeal and other connected appeals as the notification is same, quality of land is same and the purpose for which it is acquired is the same and there cannot be discrimination in the matter of awarding compensation. Learned Counsel for the respondent has submitted that the quality of the land is not same. I outrightly rejected the contention of the learned Counsel for the respondent as it is not based on facts.

6. I have perused the judgment of the Division Bench. It has elaborately discussed the potentiality of the land and other aspects and fixed the rate of compensation at the rate of Rs. 28.35 per square yard. The learned District Judge while giving finding on issue No. 1 has granted compensation at the rate of Rs. 14 per square yard and mentioned that as he has granted the same compensation in earlier cases so he cannot change his views and has discussed elaborately the previous instances.

7. Since the matter is covered by the Division Bench, as such I grant compensation at the rate of Rs. 28.35 per square yard. With this modification in the rate the lower Court judgment dated 15/3/1985 is not disturbed and the appeal is accordingly disposed of. The crossobjections filed by the U.P. Avas Evam Vikas Parishad are also disposed of in view of this judgment. Moreover, the crossobjections are not sufficiently stamped and are time barred but this hardly matters in view of the finding given. Appeal disposed of.