

PETITIONER:
SRI SAUNU

Vs.

RESPONDENT:
COLLECTOR, LAND ACQUISITION

DATE OF JUDGMENT: 28/08/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
VENKATASWAMI K. (J)

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Notification under Section J (1) of the Land Acquisition Act, 1894 (1 of 1894) [for short, the "A-t"] was published on December 4, 1965 acquiring 221 bighas of Land for the construction of approach channel to the Inlet Portal of S.S. Tunnel by the beas-Sutlej Link Project. The land Acquisition Officer in his award dated June 26;27, 1968 classified the lands into 9 items [mentioned at page 4 of the Paper Book] and granted compensation at the rate varying between Rs.2,000/- to Rs.5,000/- per bigha. On reference, the Additional District Judge confirmed the award of the Collector. On appeal, in the impugned judgment dated December 31, 1982, the Division Bench in RFA No.19/70 confirmed the same Thus, this appeal by special leave.

Admittedly, the appellant's claim is for compensation at the rate of Rs.15,000/- per bisha. The classification of the land and the amount awarded by the Collector would indicate that in respect of Kohli I, Begicha and Abadi Deh lands, he granted 2,000/- per bigha; in respect of the lands B-1, he granted what was asked for, namely Rs.1500/- per bigha. For Konli- II he granted Rs.1250/- per bigha; for item 5 B-II, he granted Rs.1000/- per bigha; for banjar and uncultivated lands, he granted Rs.500/- per bigha. It is one of the rarest cases where the Land Acquisition Officer has granted fair compensation. The question, however, arises: whether it is a case For further enhancement? The appellant relied upon five sales instances of a small extent of land ranging between 6 biswas and 18 biswas spoken to by the witnesses as discussed by the High Court. These lands are situated in the Abadi, namely, village itself. Under those circumstances, those sale deeds do not form any reasonable basis to determine higher compensation for the vast extent of 221 bighas of land. The test that the Court is required to adopt is whether a willing prudent purchaser in the open market would be prepared to offer compensation at the rate which the Court proposes to determine in a compulsory acquisition. In this case, the courts have adopted the

correct standard and were not inclined to come to the conclusion that the lands would fetch higher than what was determined by the Land Acquisition Officer. Under these circumstances, the courts below have not committed any error of principle of law in determining the compensation, warranting interference.

The appeal is accordingly dismissed but, in the circumstances, without costs.

JUDIS