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(2018) 08 CHH CK 0359

Chhattisgarh High Court

Case No: First Appeal (M) No. 100 Of 2011

Bhagwat APPELLANT

Vs

State Of CG RESPONDENT

Date of Decision: Aug. 30, 2018

Acts Referred:

- Land Acquisition Act, 1894 - Section 18

Citation: (2018) 08 CHH CK 0359

Hon'ble Judges: Parth Prateem Sahu, J

Bench: Single Bench

Advocate: Abhishek Pandey, M Asha

Final Decision: Dismissed

Judgement

Parth Prateem Sahu, J

1. This instant appeal is filed challenging the award dated 26.04.2011, passed by the Additional District Judge, Janjgir-Champa in Civil Miscellaneous

Judicial Case No.27 of 2009, whereby the learned Court below dismissed reference application filed by appellant for enhancement of the award

passed by Land Acquisition Officer, Janjgir-Champa.

2. Brief facts of the case are that appellant was owner of two pieces of land bearing Khasra No.537/10, Rakba 0.95 acre and Khasra No.776/34,

Rakba 0.02 acre, total Rakba 0.97 acre land situated at village Podidalha, Patwari Halka No.3, tehsil-Akaltara, district Janjgir-Champa. These two

lands were acquired by respondent/State for the purpose of construction of Karranala dam and against fam 100 of 2011 the acquired land of appellant,

compensation of Rs.90,654/- was granted to him vide award dated 29.03.2008 in land acquisition case No.8/ A-82/ 2006-07, along with other villagers.

3. The appellant, aggrieved by assessment of compensation by treating his land to be non-irrigated land, filed an application under Section 18 of the

Land Acquisition Act, 1894 before the Collector, Janjgir-Champa, mentioning therein that his land was irrigated land and double crop. Therefore, the

assessment of compensation of his land should be done on the basis of rate fixed for acquiring irrigated lands.

4. The Collector after considering the grounds raised in application filed by appellant under Section 18 of the Act of 1894, referred the case to the

Court of Additional District Judge, Janjgir, district Janjgir-Champa. Learned Court below after receiving reference case from the Collector, Janjgir-

Champa and also looking to the material available on records, framed as many as five issues for consideration.

5. Appellant herein submitted three documents (Ex.A/1, the sale transactions of 2005-06, Ex.A/2 and A/3 Kisht Bandi) showing the name of appellant

as owner of land bearing Khasra No.537/10, Rakba 0.95 acre and Khasra No.776/34, Rakba 0.02 acre, situated at village Podidalha, Patwari Halka

No.3, tehsil-Akaltara, district Janjgir-Champa. Appellant examined himself as AW-1 and one Babulal as AW-2, on his behalf.

6. On perusal of the documents submitted by appellant before Court below to prove his case, it is nowhere mentioned about the land acquired was

irrigated land by any mode. It is only the oral statement made by appellant that his lands which are acquired are irrigated and double crop.

7. The appellant submitted revenue records showing his lands Khasra No.537/10, Rakba 0.95 acre and Khasra No.776/34, Rakba 0.02 acre, situated

at village Podidalha, Patwari Halka No.3, tehsil-Akaltara, district Janjgir-Champa mentioned in Ex.A/2 which is Kishtband Khatauni but nowhere it is

mentioned that the acquired two Khasra numbers are irrigated lands or double crop lands. Appellant filed Ex.A/3 which is of Khasra No.815/2 Rakba

0.534 acre shown to be irrigated land by Government, but that is of different Khasra number and not subject matter of challenge in this appeal or

acquired by government. No document has been filed by appellant to prove his case. Learned Court below also considered the documents and

evidence led by the appellant and rightly arrived at a conclusion that the appellant has filed only one document in the nature of Khasra entries (Ex.P/3)

showing some land to be irrigated one, but that land belongs to different Khasra number which is not subject matter of this case.

8. No other ground has been raised by appellant in this appeal except the ground as discussed above.

9. In the facts and circumstances of the case, appellant failed to produce any cogent and reliable piece of evidence before learned Court below to

prove his case that the lands acquired were irrigated lands. Learned Court below has not committed any error in dismissing the case of appellant.

10. In view of above, appeal being devoid of merit, is liable to be and is hereby dismissed.

11. No order as to costs.