

Ataur Rahman Laskar Vs Collector of Cachar

Court: Gauhati High Court

Date of Decision: March 23, 2000

Acts Referred: Land Acquisition Act, 1894 " Section 23(1), 23(2), 28, 34, 4(1)

Citation: (2002) 1 GLT 174

Hon'ble Judges: P.G. Agarwal, J; J.N. Sharma, J

Bench: Division Bench

Advocate: M.A. Laskar, N. Dhar, M.H. Rajborbhuiya, J. Khan, Sk. N. Mahammad and N.A. Laskar, for the Appellant; R. Goswami, for the Respondent

Judgement

J.N. Sarma, J.

This appeal has been filed against the judgment dated 8.9.92 passed by the learned District Judge, Cachar at Silchar in

Misc. L. A. Case No. 345/89.

2. A plot of land was acquired by the State of Assam for the water supply scheme and the notification was finally published u/s 4(1) of the Land

Acquisition Act, 1894 on 2.8.88. The declaration was also made on the same date. The area of land is 1 Bigha 0 Katha 14 Chataks. The

Collector gave an award for Rs. 19,129.23 alongwith other benefits as available. The value of the land was fixed at Rs. 6,262.50. The possession

of the land was taken in the year 1976 and 15% per annum interest from 17.12.76 to 23.8.88 was also given by the Collector. The learned Judge

on consideration of the materials on record found that the Appellant herein failed to discharge his burden regarding his claim for enhancement of the

value of the land and accordingly dismissed the claim. Hence this appeal.

3. We have heard Mr. N. Dhar and Mr. M.H. Rajbarbhuiya, learned advocates for the Appellant and Mr. R. Goswami, learned advocate for the

Respondent.

4. On perusal of the materials available on record we fix that the Collector in determining the value of the land did not take into account the rise in

the value of the land. It is the duty of the Collector in giving an award to find out the compensation which should be allowed for the land. In this

particular case the Collector was absolutely mechanical in making the award and we find that just compensation was not given as required u/s

23(1) of the Land Acquisition Act. Section 23(1) mandates the Court to determine the compensation according to the market value of the land on

the date of the publication of the notification u/s 4, Sub-section (1). This was not done in the instant case. Accordingly we fix the value of the land

at Rs. 10,000 per Bigha and other benefits which are available to the Appellant u/s 23(2) and Section 28 and other statutory interest shall be

payable as provided u/s 34 of the Land Acquisition Act.

5. With the above observations the appeal stands disposed of.