

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),
CHANDIKHOLE,
DIST.-JAJPUR**

P R E S E N T:

Sri Biswadeepak Sahoo, LL.M,
Civil Judge (Senior Division), Chandikhole.
J.O. Code-OD-00630

Dated the 08th day of May, 2026

L.A. Case No.26 of 2009

1. HurmatBibi, aged about 70 years

W/o-Late Bux Alli

2. Ibrahim Khan, aged about 60 years

S/o-Late Basir Khan

2. Dayan Khan, aged about 55 years

S/o-Late Basir Khan

All are of Vill-Nalipur, PS-Balichandrapur,

Dist-Jajpur

..... Claimants/Petitioners.

-: v e r s u s :-

1. State of Orissa, represented through Collector,
Jajpur, At/PO/PS/Dist-Jajpur

2. Land Acquisition Collector-cum-Zone Officer,
Haridaspur-Paradeep B.G Rail Link Project,
Jajpur, At/PO/PS-Kendrapara, Dist-Kendrapara
At Present camp at Nanpur, PS-Balichandrapur,
Dist-Jajpur

3. Chief Engineer, Construction, R.V.N.L.
East Coast Railways, At/PO-Chandrasekharpur,

Bhubaneswar, Dist-Khurda

.... Opp. Parties.

Counsel for the petitioner : Sri Kumar Prasad Behera,
Advocate.

Counsel for the O.Ps : AGP, Chandikhole & Adv. Sri
P.K Deo.

Date of argument : 07.05.2026

Date of Judgment : 08.05.2026

J U D G M E N T

1. This is a reference U/s.18 of the Land Acquisition Act, 1894(here-in-after referred to as 'L.A. Act') received from the Land Acquisition Zone Officer, Haridaspur-Paradeep Rail Project, Jajpur arising out of protest petition filed by the petitioners for enhancement of compensation amount.

2. Bereft of un-necessary details, the petitioners' case runs as follows:

It is stated that for the construction of the proposed Haridaspur-Paradeep, B.G Rail Link notification for acquisition of land was made vide L.A case No 07/2004 bearing Notification no.47498 dtd.03.12.2004. The land of mouza Nalipur bearing Khata No.767, Plot no.42/2851 measuring an area of Ac0.050 decimals out of which Ac0.04decis is acquired. The said land is recorded in the name of Ibrahim Khan and Sk. Bux Alli Khan, both are sons of Basir Alli in the consolidation ROR. While they were possessing the above lands, the said land was acquired. Bux Alli died leaving behind his widow Hasmat Bibi, two sons

namely Anjad, Imtiaz and a daughter namely Chand Bibi. As Amjad, Imtiaz and Chand Bibi are not present in the village, their mother Hurmat Bibi filed this case for herself and on behalf of her sons and daughter. The L.A Officer awarded compensation amount of Rs.15,085/- only for acquisition of the agricultural land and the same is received by the petitioners under protest. The compensation money awarded for the acquired land is arbitrary, improper, inadequate and undervalued than the prevailing market price.

It is further contended that the acquired land was no longer used as agricultural land and those lands were converted to homestead and at the time of the acquisition, all the lands were made fit for the purpose of homestead and dwelling house area. Further, the L.A authority has not valued those lands properly and has not considered the surrounding developed circumstances and the improvements of locality and has thereby committed gross error in preparing the award.

It is further stated that the acquired land is adjacent to N.H 5(A). A public concrete road adjoins to the said land. There are school, colleges, hospitals and market area near the acquired land. That apart, the existence of Buddhist monuments at Ratnagiri, Lalitgiri and Udaygiri has increased the potentiality of the area. All the above matters are not considered properly while determining the compensation amount. The L.A authority has fixed the valuation of one gunth of land to be Rs.10,000/- which is grossly low. The actual valuation of one gunth of land in the locality will be more than Rs.80,000/-. The petitioners have lost valuable land permanently which would have been their perennial source of bread and butter. So as per the Government

Rehabilitation policy of the year 2006, someone out of the petitioners should be given employment under the said Railway Department and necessary arrangement for their rehabilitation under the Rehabilitation Scheme. Hence, the claim of the petitioners is referred to this Court U/s.18 of the L.A Act for the determination of the compensation amount.

3. The O.Ps entered appearance, and O.Ps No.3 has filed an objection and denied the contention raised by the petitioners for enhancement of the award. It is stated that the compensation award passed by the Land Acquisition Zone Officer, Haridaspur-Paradeep New B.G Link Project, Jajpur as per provisions of L.A Act 1894 wherein they acquired area of Ac0.04decs of land of kisan Sarada Dofasal-I from Plot no.42/2851(P) under Khata no.767 of mouza Nalipur and assessing land value at Rs.10,000/- , besides other statutory benefits including 30% solatium at Rs.3,000/- and 12% additional market value at Rs.2,084/- all total Rs.15,085/- compensation as per provision of L.A Act,1894. As per O.P. No.3, the L.A Authority properly followed the provisions of the L.A Act and as per valuation of the schedule land compensation given to the petitioners. The claim made by the petitioners is barred by limitation. For public interest, the present acquisition is made. There is no justification to raise the valuation. On the above grounds, the O.P. No.3 prayed to dismiss the case of the petitioners.

4. Out of the pleadings, following points have been framed for proper adjudication of the case.

P O I N T S

- i. Whether the petition is maintainable in the present form?
- ii. Whether the petitioners have got any cause of action to file the present case?
- iii. Whether the petitioners are entitled to receive any higher rate of award/compensation?
- iv. What is the fair market value of the land acquired on the date of acquisition?
- v. To what other relief(s) the petitioners are entitled to?

5. In order to establish the case, one witness has been examined on behalf of the petitioners and none has been examined on behalf of the Opp. Parties. Besides the oral evidences, the petitioners led documentary evidence i.e certified copy of ROR bearing Hal Khata no.767 of mouza Nalipur which is marked as **Ext.1.**

F I N D I N G S

6. Points No. III & IV

- i) These points being the crux of the dispute are taken up together for consideration.
- ii) The petitioner no.1 has been examined himself as P.W.1. In his evidence, he has corroborated the averments of the petition.
- iii) Now, the basic points which are required to establish the case are (i) whether the compensation granted to the petitioners by the Opp. Parties are in confirmative with the market value of

the acquired land, (ii) whether the Opp. Parties have adhered the market value of the land acquired while granting the compensation to the petitioners, (iii) whether the compensation as demanded by the petitioners basing upon the documents relied by them as such liable to be granted.

iv) The Opp. Parties have awarded **Rs.15,085/- (rupees fifteen thousand eighty five only)** as compensation to the petitioners which has been received with protest. The Opp. Parties claimed the compensation amount as correct and sufficient basing upon the quality and location of land. The valuation report submitted by the L.A Officers reveals that he has fixed the valuation as per the registered sale deeds of the kisama Sarada Dofasal-I. The petitioners have filed certified copy of Hal ROR bearing Khata no.767 which stands recorded in the name of Bux Ali Khan, Ibrahim Khan and Dayan Khan. Except this, the petitioners have not filed any document to support their contentions regarding the enhancement of compensation amount.

v) In order to view whether the petitioners are genuinely entitled to get more compensation amount as prayed by him. In this light, Section-23 of the L.A. Act has laid down the principles for determining the compensation. According to the said section the market value of the land on the date of publication of the notification has to determine before proceeding further. The damage sustained by the person by reason of depriving them from their livelihood i.e. cultivation has to be considered. The damages sustained due to the acquisition thereby affecting lands plays a great role in working

out the compensation. The bonafide damages resulting from diminution of the profits from the property after it is acquired is also an important factor. Last but not the least the Court should always consider the development which took place in the surrounding areas thereby enhancing the value of the lands.

vi) The market value of the land should be determined taking into consideration the existing geographical situation of the land, existing use of the land, already available advantage, like proximity to National Or State Highway or important public road and nationally or internationally renowned tourist destinations or developed area and market value of other land situated in the same locality or adjacent or very near to the acquired land and also the size of such land.

vii) As per materials available on record, the compensation amount of Rs.10,000/- (Rupees ten thousand only) was granted with respect to Ac.0.04decs of agricultural land of kism Sarada Dofasal-I and the amount per decimal of land of kism Sarada Dofasal-I is calculated at Rs.2,500/-. The Opp. Parties have granted the extra 30% and 12% of the market value and total sum is Rs.15,085/- (rupees fifteen thousand eighty five only).

viii) In the matter of **Thakkur Kuldeep Singh (D) Thr. L.R. & Others –Vrs- Union India and Ors. AIR 2010 (SC) 1272**, the Hon'ble Apex Court has been pleased to observe that:-

“While fixing compensation, it is the duty of the Land Acquisition Collector as well as Court to take into consideration, the nature of the land, it's suitability, nature of the use to which

the lands are sought to be acquired on the date of notification, income derived and derivable from or any other special distinctive feature which the land is possessed of, the sale transactions in respect of the land covered by the same notification are all relevant facts to be taken into consideration in determining the market value. It is equally to consider the suitability of neighbourhood lands as are possessed of similar potentiality or any advantageous features or any special characteristics available. The Land Acquisition Collector as well as the Court should always keep in their mind that the object of assessment is to arrive at a reasonable and adequate market value of the land. While doing so, imagination should be eschewed and mechanical assessment of evidence should be avoided.”.

ix) The core issue for determination is the fair market value of the acquired land as on the date of publication of notification under Section 4(1) of the Land Acquisition Act, 1894, i.e., 03.12.2004. It is settled law that such determination must be based on reliable, comparable, and proximate evidence.

The burden squarely lies upon the petitioners/claimants to establish that the compensation awarded by the Land Acquisition Officer is inadequate. Mere assertion of higher valuation, without cogent and legally admissible supporting evidence, cannot be a ground for enhancement.

In assessing market value, courts consistently follow the principle that comparable sale instances must satisfy three essential tests, namely: proximity in time to the notification, proximity in situation (location and nature of land), and similarity in potential and advantages.

In the present case, the petitioners have not filed any document such as Sale deeds or the valuation report with respect to the suit land to establish higher valuation of land at the time of Notification for acquisition. It is also pertinent to note that no evidence has been adduced to demonstrate that the acquired land possessed exceptional advantages or special potentiality over and above comparable lands in the locality, which would justify deviation from the standard rate adopted.

The contention of the petitioners regarding proximity to N.H.-5(A) and availability of civic amenities, though relevant, remains unsubstantiated by independent evidence or valuation material showing quantifiable enhancement in value. Such general assertions, without supporting data, cannot form the sole basis for enhancement.

Further, the Land Acquisition Officer appears to have determined the compensation on the basis of official valuation records and local enquiry, and has granted statutory benefits including solatium and additional compensation strictly in accordance with the provisions of the Act.

The Court finds no material irregularity, perversity, or arbitrariness in the method adopted by the Land Acquisition Officer. On the contrary, the awarded rate aligns with the best available contemporaneous evidence on record.

The oral testimony of PW.1, being interested witness, is scrutinized with caution. In absence of corroborative documentary evidence of acceptable quality, such testimony cannot outweigh objective valuation data of the land acquisition made by the land acquisition officer.

Therefore, applying the settled principles governing determination of market value, this Court holds that the petitioners have failed to discharge the burden of proving inadequacy of compensation. Consequently, the compensation fixed at Rs.2,50,000/- per acre for Sarada Dofasal-I land is found to be fair, reasonable, and legally sustainable.

Therefore, on consideration of the oral and documentary evidence available on record this court comes to the conclusion that the fair market value of the land acquired on the date of acquisition will be around **Rs.2,500/-(Rupees two thousand five hundred)** only per decimal for the acquired land of kism Sarada Dofasal-I.

Accordingly, these points are answered.

7. Point No. I, II & V:

In view of the discussions made above, as neither party raised nor adduced evidence in respect of these points, these points need not be answered and became redundant.

Accordingly, it is ordered.

ORDER

In the result, the reference petition filed under Section 18 of the Land Acquisition Act, 1894 is dismissed on contest without cost. The compensation awarded by the Land Acquisition Officer in the present case is hereby confirmed.

Sd/-

**Sr. Civil Judge,
Chandikhole**

This Order is transcribed to my dictation, corrected by me and pronounced in the open court on this the 08th day of May, 2026 under my signature and seal of the Court.

Sd/-

**Sr. Civil Judge,
Chandikhole**

List of Witnesses on behalf of the Petitioners

P.W. 1 Ibrahim Khan

List of Witnesses on behalf of the Opp. Parties.

None

List of Exts.marked on behalf of the Petitioners

Ext.1 Certified copy of ROR bearing Hal Khata no.767 of
 mouza Nalipur.

List.ofExts. marked on behalf of the Opp. Parties

Nil

Sd/-

**Sr. Civil Judge,
Chandikhole**