

IN THE HIGH COURT OF JHARKHAND AT RANCHI
FIRST APPEAL NO. 48 OF 2024
WITH
FIRST APPEAL NOS. 51, 57, 59, 60, 61,
63 OF 2024 & FIRST APPEAL No. 64 of 2024

...

General Manager (L & R), Central Coalfields Limited, a Company incorporated under the Companies Act, having its registered Office at Darbhanga House, PO and PS-Kotwali, District-Ranchi (Jharkhand), through its General Manager (Land & Revenue), having office at Darbhanga House, PO and PS-Kotwali, District-Ranchi (Jharkhand) and also through its H.O.D.(Legal) Sri Jobe V.P., aged about 53 years, Son of Late V.V.Philip, residing at 396/B, Road No. 4-C, Ashok Nagar, PO-Doranda, PS Argora, District-Ranchi. ... **Appellant in all the cases**

Versus

1. Aliyas Ansari, S/o Late Habib Mian
2. Riyaz Ansari, S/o Late Habib Mian
3. Sufeda Khatoon, D/o Late Habib Mian
4. Rukheda Khatoon, D/o Late Habib Mian
5. Sahidun Nisha, D/o Late Habib Mian
All residents of village-Topa Basti, PO & PS Mandu, District-Ramgarh (Jharkhand)
6. The Deputy Commissioner, Ramgarh, P.O. & P.S. Ramgarh, District-Ramgarh (Jharkhand). ... **Respondents in F.A.No. 48 of 2024**

1. Aliyas Ansari, S/o Late Habib Mian
2. Riyaz Ansari, S/o Late Habib Mian
3. Sufeda Khatun, D/o Late Habib Mian
4. Rukheda Khatun, D/o Late Habib Mian
5. Sahidun Nisha, D/o Late Habib Mian
All residents of village-Topa Basti, PO & PS Mandu, District-Ramgarh (Jharkhand)
6. The Deputy Commissioner, Ramgarh, P.O. & P.S. Ramgarh, District-Ramgarh (Jharkhand). ... **Respondents in F.A.No.51 of 2024**

1. Basudeo Ganjhu, S/o Late Ratia Ganjhu
2. Satyendra Ganjhu, S/o Late Ratia Ganjhu,
3. Motia Ganjhu, S/o Late Mangal Ganjhu,
4. Shanti Devi, D/o Patia Ganjhu,
5. Dukhi Kumari, D/o Patia Ganjhu,
6. Umesh Ganjhu, mother of Late Basanti Devi,
7. Dinesh Bhokta, mother of Late Basanti Devi,
All residents of Village-Topa Basti, PO & PS-Mandu, District-Ramgarh (Jharkhand)
8. The Deputy Commissioner, Ramgarh, P.O. & P.S.-Ramgarh, District-Ramgarh (Jharkhand). ... **Respondents in F.A.No. 57 of 2024**

1. Basudeo Ganjhu, S/o Late Ratia Ganjhu
2. Satyendra Ganjhu, S/o Late Ratia Ganjhu,
3. Motia Ganjhu, S/o Late Mangal Ganjhu,
4. Shanti Devi, D/o Patia Ganjhu,
5. Dukhi Kumari, D/o Patia Ganjhu,
6. Umesh Ganjhu, mother of Late Basanti Devi,
7. Dinesh Bhokta, mother of Late Basanti Devi,
All residents of Village-Topa Basti, PO & PS-Mandu, District-Ramgarh
(Jharkhand)
8. The Deputy Commissioner, Ramgarh, P.O. & P.S.-Ramgarh, District-Ramgarh
(Jharkhand). **Respondents in F.A.No.59 of 2024**

1. Chhotan Ganjhu, S/o Late Kishun Ganjhu,
2. Santosh Ganjhu, S/o Late Kishun Ganjhu
3. Aditya Ganjhu, S/o Late Kishun Ganjhu,
4. Sangita Kumar, D/o Late Kishun Ganjhu,
5. Puja Kumari, D/o Late Kishun Ganjhu
All residents of village-Topa Basti, PO & PS-Mandu, District-Ramgarh
(Jharkhand)
6. The Deputy Commissioner, Ramgarh, P.O. & P.S.-Ramgarh, District-Ramgarh
(Jharkhand) **Respondents in F.A. No. 60 of 2024**

1. Baldeo Ganjhu, S/o Late Mohan Ganjhu,
2. Laldeo Ganjhu, S/o Late Mohan Ganjhu,
3. Khedu Ganjhu, S/o Manki Ganjhu,
4. Puran Ganjhu, S/o Late Jagu Ganjhu,
5. Umesh Ganjhu, S/o Late Jagu Ganjhu,
All residents of Village-Topa Basti, PO & PS-Mandu, District-Ramgarh
(Jharkhand)
6. The Deputy Commissioner, Ramgarh, P.O. & P.S. Ramgarh, District-Ramgarh
(Jharkhand). **Respondents in F.A. No. 61 of 2024**

1. Chohan Karmali, S/o Late Nanhaka Karmali,
2. Bundia Devi, W/o Late Mahabir Karmali,
3. Jalesh Karmali, S/o Late Mahabir Karmali,
4. Dinesh Karmali, S/o Late Mahabir Karmali,
5. Babita Kumari, W/o Late Umesh Karmali,
6. Aman Karmali (minor) mother of Babita Kumar (Guardian),
7. Prabhu Dayal Karmali, S/o Nanhaka Karmali,
8. Binod Karmali, S/o Late Mohan Karmali,
9. Rajendra Karmali, S/o Late Mohan Karmali,
10. Somra Karmali, S/o Late Mohan Karmali,
11. Santosh Karmali, S/o Late Mohan Karmali
All residents of village-Topa Basti, PO & PS- Mandu, District-Ramgarh
(Jharkhand)

12.The Deputy Commissioner, Ramgarh, P.O. & P.S. Ramgarh, District-Ramgarh (Jharkhand). ... Respondents in F.A.No. 63 of 2024

- 1. Murtaza Ansari, S/o Late Ibrahim Miyan,
- 2. Rustam Ali, S/o Late Ibrahim Miyan,
- 3. Nasima Khatun, D/o Late Ibrahim Miyan,
- 4. Rakiban Khatun, D/o Late Ibrahim Miyan,
- 5. Md. Jamal, S/o Late Rahim Miyan,
- 6. Parwej Ansari, S/o Late Nizamuddin Ansari,
- 7. Nasir Ansari, S/o Late Nizamuddin Ansari,
- 8. Anis Ansari, S/o Late Nizamuddin Ansari,
- 9. Hatma Khatun, D/o Late Nizamuddin Ansari,
- 10. Asiran Nisha @ Tabbasum Ara, D/o Late Nizamuddin Ansari,
- 11. Hina Parwin @ Hina Khatun, D/o Late Nizamuddin Ansari
All residents of village- Topa Basti, PO & PS Mandu, District- Ramgarh (Jharkhand)
- 12. The Deputy Commissioner, Ramgarh, P.O. & P.S.-Ramgarh, District-Ramgarh (Jharkhand). ... Respondents in F.A. No. 64 of 2024

CORAM: HON’BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

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| For the Appellant (s) | : Mr. Amit Kumar Das, Advocate |
| | : Mr. Kanishka Deo, Advocate |
| For the State | : Mr. Binit Chandra, A.C. to AAG II |
| | [In F.A. Nos. 57, 60, 61 & 63/24 |
| | : Mr. Mukul Kumar Singh, A.C. to G.P.-III |
| | [In F.A.Nos. 48 & 64 of 2024] |
| | : Mr. Krishna Kumar Bhatt, A.C. to S.C.-I |
| | [In F.A. Nos. 51 & 59 of 2024] |
| | : Mr. Shashank Saurav, A.C. to G.P.-III |
| | [F.A.Nos. 48, 61, 64, 53, 52 of 2024] |
| For Pvt. Respondents | : Mr. Navnit Prakash, Advocate |
| | : Mr. S.B. Gupta, Advocate |
| | : Mr. Manish Kumar, Advocate |
| | [In F.A.No. 57, 59 & 61 of 2024] |
| | : Mr. Sandeep Verma, Advocate |
| | : Mr. Swami Dayanand, Advocate |
| | [In F.A.Nos. 48, 51, 60, 63, & 64 of 2024] |

Order No. 14/ dated 16.09.2025

This First appeal being FA. No.48 of 2024 has been filed against the Judgment and Decree dated 28th July, 2022 (Decree signed on 10th August, 2022) vide Award No. 129 passed by the learned Civil Judge (Sr. Div.)-II-cum-L.A.

Judge, Ramgarh in L.A.R. Case No. 439 of 2012, arising out of L.A.R. No. 06/2005-06 whereby the compensation payable to the claimants are being increased @ Rs. 3238/- per decimal along with interest.

2. The aforesaid basic details of all other connected first appeals are as under:
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First Appeal No.	Award No.	LAR Case No.	Date of Award
FA No.48 of 2024	129	439 of 2012	28.07.2022
FA No.51 of 2024	1	460 of 2012	28.07.2022
FA. No.57 of 2024	79	442 of 2012	30.11.2022
FA No.59 of 2024	85	444 of 2012	30.11.2022
FA No.60 of 2024	86	445 of 2012	30.11.2022
FA No.61 of 2024	90	448 of 2012	30.11.2022
FA No.63 of 2024	66	457 of 2012	30.11.2022
FA No.64 of 2024	24	462 of 2012	30.11.2022

3. There are two impugned judgements in these batch of cases, one is dated 28.07.2022 and the other is dated 30.11.2022 arising out of the same land acquisition process and with respect to the same basti.

4. The learned Counsel for the appellant has submitted that the only grievance of the appellant is in connection with the rate of compensation per decimal of land as fixed by the learned Land Acquisition Court.

5. *The arguments have been advanced from the records of FA. No.48 of 2024 by both the parties and it is not in dispute that all other cases are similarly placed.*

6. The learned Counsel has submitted that huge chunk of land total 116.54 acres was acquired in village Toppa, P.S. Mandu, Thana No.126, District-

Hazaribag (present Ramgarh) for Central Coalfields Ltd. and the notification under Section 6 is dated 14.07.2005 published in Official Gazette dated 01.08.2005. He submits that all the cases arise out of same land acquisition process and therefore they have been tagged. The learned Counsel submits that the claimants, who are the respondents of the present cases had filed applications seeking enhancement of the awarded amount and consequently the cases were instituted. He has submitted that the claimants led both oral and documentary evidences and three sale-deeds were exhibited, but each of them has been found to be not suitable for consideration. However, the learned court referred to the Judgment passed in the case of L.R. Case No. 3/11 to 22/11 & 24/11 to 72/11 which was arising out of the same acquisition process and enhanced the compensation at the flat rate of Rs. 3238/- per decimal. The learned Counsel has submitted that the sole material which was found reliable by the learned Court was the aforesaid Judgment and the said Judgment was relied upon by none less than the claimants themselves.

7. The learned counsel for the appellant has submitted that the said Judgment passed in L.R. Case No. 3/11 to 22/11 & 24/11 to 72/11 was subject matter of consideration before this Court in First Appeal No. 596 of 2014 and other analogous cases and ultimately the compensation amount has been reduced to Rs.2403/- per decimal and it was also observed that the said compensation was approximately more or less as fixed by Ext. C in the said case where the rate was fixed at Rs.2,403.67 per decimal and was paid in similar acquisition out of the same notification.

8. The learned Counsel submits that since the entire chunk of land was acquired by the same process and of the same village, in such circumstances, the award in

the present case be also modified in the same manner, as has been done in the First Appeal No. 596 of 2014 and other analogous cases.

9. He has further submitted that apart from the aforesaid, the claimants could not produce any cogent and reliable materials seeking enhancement of the compensation except judgement passed in L.R. Case No. 3/11 to 22/11 & 24/11 to 72/11 which has been subsequently modified in First Appeal No. 596 of 2014 and other analogous cases. It is submitted that the various sale-deeds which were relied upon by the claimants were rejected and found to be not reliable by the learned Court by citing reasons. The learned Counsel has submitted that Ext.1 of the present case having been modified by this Court be taken into consideration and similar relief only to that extent be granted to the claimants of the present case.

10. The learned Counsel for the respondents has raised a technical objection in connection with considering the Judgment passed by this Court in First Appeal No. 596 of 2014 and other analogous cases by submitting that no petition has been filed by the appellant before this Court seeking to adduce the aforesaid Judgment passed by this Court by way of additional evidence. He has submitted that in such circumstances, the Judgment passed in First Appeal No. 596 of 2014 cannot be taken into consideration and the same cannot be made a basis to modify the award passed by the learned Court in all these cases.

11. The learned Counsel has further submitted that otherwise also the appellant had claimed development charges only to the extent of 20% and in the Judgment passed in First Appeal No. 596 of 2014, the deduction has been made to the extent of 30%. He has submitted that considering the facts of the present case, the deduction on account of development charges should be confined only to 20%.

12. The learned Counsel has also referred to the evidence of P.W.4, in the common judgement date 28.07.2022 impugned in F.A No. 48 of 2024 and F.A no. 51 of 2024 who has stated that compensation paid was on much lower side. However, during his cross-examination, he has stated Topa Basti was developed by C.C.L and thereafter there has been no development and the property is being sold in Topa Basti @ Rs.50,000/- per decimal and at the relevant point of time around 15 to 16 years back at the time of acquisition the land was being sold @ 15,000/- to 16,000/- per decimal and has also stated that there was development in Topa Basti prior to acquisition but after acquisition the Basti was developed by C.C.L.

13. During the course of arguments, the learned Counsel for the respondents has not challenged the reason assigned by the learned trial court for rejecting the sale deeds relied upon by the claimants and apart from the sale deeds the claimants had not produced any other material before the learned Court for seeking enhancement of compensation for the acquired land. No material as such has been pointed out by the learned Counsel for the respondents to assist this Court except Ext.1, the Judgment dated 30.06.2014 passed in L.R. Case No. 3/11 to 22/11 and 24/11 to 72/11, which was ultimately modified by this Court in First Appeal No. 596 of 2014 and other analogous cases .

14. The learned Counsel for the claimants has also relied upon the Judgment passed by the Hon'ble Supreme Court in the case of "**Barla Ram Reddy & Ors. vrs. State of Telangana**", reported in **2025 SCC OnLine SC 878** paragraph 43 which in turn refers to earlier Judgment of Hon'ble Supreme Court, reported in (2014) 14 SCC 466 and (2015) 15 SCC 200 to submit that the Hon'ble Supreme Court had provided compounding escalation to arrive at just and equitable

compensation for the rise of price over time and on that basis the rate of land on the date of notification under Section 4 of the Land Acquisition Act, 1894 was arrived . Paragraph 42, 43 and 44 of the aforesaid Judgment is quoted as under:

“42. As has already been held, the market value of the acquired lands at the time of the acquisition would be based on the sale instances in Ex.A1 and Ex.A2. It has not missed our attention that these sale deeds were executed in early 2004, almost two years before the publication of the Section 4 notifications. Due to passage of time, the value of the land would have increased during this period. So, we would also need to escalate the rates in the exemplars to meet the rise in prices over time. The escalation, of course, cannot be decided with exactitude, and some level of guesstimation has to be incorporated within our reasoning.

43. Ordinarily, this Court has applied an escalation of 10-12% per year to account for the time gap. At this stage, we must take note of the submission on behalf of the landowners that there was rapid development in the area during this period. Concomitantly, there must have also been a steep rise in the price of land. We find force in this argument of the learned Counsel. The area in acquisition is close to the municipal limits of Hyderabad city and witnessed setting up of major multinational IT and financial sector organisations, even prior to the acquisition. The acquired lands are also admittedly close to the Hyderabad Airport. As such, even if the land may not be within the municipal limits of Hyderabad city, the area must be treated as an extension of the metropolitan area. It follows, then, that the escalation for each year must also be higher. The concept of higher escalation in metropolitan areas was also accepted by this Court in ONGC Ltd. v. Rameshbhai Jivanbhai Patel. Considering all circumstances, we are of the opinion that a compounding escalation at the rate of 20% for each year would be just and equitable to account for the rise in prices over time.

44. Applying 20% compounding escalation for 2004 and 2005 to the base rate of INR 31,00,000 per acre, we find that the market value of the acquired lands at the time of the publication of the notification under Section 4 of the 1894 Act would be INR 44,64,000 per acre.”

15. In response, the learned Counsel for the appellant has submitted that apart from Ext.1, there was no cogent material for the Court to arrive at the market value of the land on the date of acquisition as the sale-deeds produced by the claimants were already rejected. He has submitted that this Court may not ignore the fact that Ext.1 which was the sole basis for fixation of compensation was itself modified by

this Court in First Appeal No.596 of 2014 and accordingly the fixation of compensation on the basis of Ext.1 cannot be sustained in the eyes of law.

16. He has also submitted that so far as the plea of 20% deduction is concerned, the Court in First Appeal No. 596 of 2014 had deducted the amount to arrive at the market value in view of the fact that the price was based on smaller area of land and the Court was of the view that the entire chunk of the land having been acquired, a flat rate is to be awarded.

17. The learned Counsel has also submitted that the Judgment passed by the Hon'ble Supreme Court as relied upon by the respondents is not applicable in the present case in view of the fact that the question of escalation comes only when the sale-deeds of earlier period are available for consideration and the same is taken as the basis to fix the compensation and in order to arrive at the market value, the escalation for the gap period is required to be taken into consideration. He submits that no such occasion arises in the present case.

18. After hearing the learned Counsel for the parties, this Court finds that it is not in dispute that large chunk of area of 116.54 acres in village Topa were acquired for the purposes of C.C.L. and a declaration dated 14.07.2005 was published in the Official Gazette on 01.08.2005. The claimants were not satisfied with the awarded amount and therefore they sought reference under Section 18 of the Land Acquisition Act and claimed compensation to the extent of Rs.20,000/- per decimal. In support of the enhanced claim of compensation both oral and documentary evidence were led by both the parties. The witnesses and also the documentary evidences placed on record in both the impugned judgements are also almost the same and the impugned judgement passed in F.A. no. 48 and 51 of 2024 was also exhibited in the proceedings impugned in F.A no. 57, 59,60,61,63 and

64 of 2024 by the claimants. In both the set of cases involved in this batch oral evidences were also of the same persons.

19th The case has been argued from the records of F.A No. 48 of 2024. In the connected records received from the learned trial court it appears that altogether eight witnesses were examined and six documents were exhibited from the side of the claimants.

20. Ext. 1 was the Judgment passed in L.R. Case No. 3/11 to 22/11 and 24/11 to 72/11 and the award prepared in L.R. Case No. 66/2011 was exhibited before the Court as Ext.2 and the award prepared in L.R. Case No. 211/2009 was exhibited as Ext.3, which was arising out of Land Acquisition Case No.2/2005-06. Apart from the aforesaid three sale deeds of the year 2006, 2004 and 2010 were also exhibited.

21. So far as the defendants were concerned, they produced altogether two witnesses and cited certain Judgments before the court.

22. The learned Court considered the oral and documentary evidences. The oral evidences produced on behalf of the claimants revealed that they were claiming compensation @ Rs.20,000/- per decimal and they have supported their case that it was their land which was acquired. It has also come in evidence that C.C.L. had taken steps to develop the land and it also revealed that there were no railway line and factory at the time of acquisition and C.C.L. had ensured establishment of Hospital and electricity line and School etc. However, not much reliance has been placed by the learned Counsel for the parties so far as the oral evidences are concerned.

23. Ext.2 is a part of Ext.1 itself and so far, as Ext.3 is concerned, the same is of a different village. The defendants in their argument have claimed that 20% should

be deducted from the compensation amount as they had developed the land. What remained before the Court was to consider Ext.1 and Exts.4, 5 and 6. So far as the Exts. 4,5 & 6 are concerned, the learned Court refused to consider the sale-deed of the year 2006 and 2010 by observing that the same were of subsequent period and so far as Ext.4 was concerned, the learned Court refused to consider the same by observing that it was of a different village, namely, Ara. Consequently, the sole evidence which was available before the Court was to consider the Judgment passed in L.R. Case No. 3/11 to 22/11 and 24/11 to 72/11 (Ext.1) which was the compensation fixed by the concerned Court with respect to acquisition of area arising out of the same acquisition process and ultimately the compensation was fixed in the same rate at Rs.3238/- per decimal. The impugned Judgment reveals that the sole basis for fixation of compensation at Rs. 3238/- per decimal was Ext.1 and this Court finds that no other cogent material or evidence has been placed on record to enable the Court to arrive at enhanced compensation and in absence of Ext.1, it can be safely said that the claimants had miserably failed to prove their case for enhancement of compensation. However, it was on the basis of Ext.1 that compensation was enhanced by the impugned judgement. The fact remains that Ext.1 was the subject matter of consideration by this Court in First Appeal No.596 of 2014 and other analogous cases and the rate of compensation was reduced to Rs.2403.67/- per decimal. The findings of the Court from paragraph 26 onwards are quoted as under:

26. After analyzing the evidence, both documentary and oral, I find that the witnesses have stated that there were collieries near the acquired land. They also stated that there were colonies of Central Coalfields Limited. Existence of schools, water towers is also admitted. There are evidence to suggest that developmental activities had taken place in the nearby area, but, it is also admitted that the same was done by the Central Coalfields Limited. Further from Exhibit 'C', I find that

it is the plea of the respondents that in the said judgment passed in Land Reference Case No.45 of 2009 to 51 of 2009 and 53 of 2009 to 79 of 2009, after considering all these aspects, the Land Acquisition Judge Court had fixed the sale value of land at Rs.2,403.67 at flat rate. It is the plea of the appellant that the acquisition notification of the said Land Reference Case No.45 of 2009 and analogous cases is same in respect of the lands which is involved in this case. This fact has also not been denied by the respondents-land losers. I also find that P.W.1 has also admitted this fact. He said that in similar nature of acquisition, i.e., Reference Case No.45 of 2009 rate has been fixed at Rs.2,800/- per decimal, and Central Coalfields Limited had accepted the said rate and has not challenged the same. From this fact, the judgment of Land Reference Case No.45 of 2009 (Ext. 'C') is admitted. In Ext. 'C' admittedly the rate is fixed at Rs.2403.67 per decimal.

27. It is the strong argument of the appellant that it is most prudent to assess the compensation in respect of the land acquired at the rate where in respect of same notification one Court has already assessed the same. Argument of the counsel for the appellant is that compensation should be assessed at Rs.2,403.67 per decimal.

28. The Hon'ble Supreme Court, in the case of *Bhim Singh & Others versus State of Haryana & Another* reported in (2003) 10 SCC 529 has held that earlier judgment in such proceeding can be the best method for fixing the compensation. In the case of *Attar Singh and Another versus Union of India and Another* reported in (2009) 9 SCC 289, the Hon'ble Supreme Court has held that if acquisition is made out of the same notification, the parties cannot be treated differently. In the case of *Dhiraj Singh (Dead) through Legal Representatives and Others versus State of Haryana and Others* reported in (2014) 14 SCC 127, while dealing with similar type of situation, the Hon'ble Supreme Court has held that where the appellants are identically situated, there is no reason to meet out a different treatment to them.

29. In this case, as held above, P.W.1 has accepted the fact that Exhibit 'C' is in respect of similar lands of similar acquisition, where the rate has been fixed at Rs.2403.67, which has been accepted by the Company. The Company also relies upon the said document and submits that the correct rate should have been the rate what has been fixed as per Exhibit 'C', i.e., Rs.2403.67, which, as per the Company, the Land Acquisition Judge has overlooked. Thus, I find both the parties rely upon the same document.

30. Further, I find that the Land Acquisition Judge has not considered the fact that the land, which has been acquired is 116.54 acres and when land is acquired in such a huge extent, the price of a very small area, i.e., 10 ½ decimal, though can be a guiding factor, but the said price cannot be applied for the entire 116.54 acres. There has to be a deduction from the price. The Land Acquisition Judge, in this case, has not deducted any amount after assessing the market value. The Hon'ble Supreme Court in the case of *Charan Dass (Dead) by LRs. Versus Himachal Pradesh Housing and Urban Development Authority and Others* reported in (2010) 13 SCC 398 has held that considering the

large area of the land, which is acquired, up to 30% of deduction can be made from the market value so fixed, which has been based on sale price of smaller area of land. Further, the Hon'ble Supreme Court in several judgments has held that there has to be deduction towards development charges also.

31. Admittedly, this deduction, on the aforesaid two heads has not been made by the Land Acquisition Judge, while arriving at the compensation amount. If the deductions are made from the assessed valuation of Rs.3,238/- per decimal, the final valuation is bound to decrease. If a lump sum of 30% is deducted from the aforesaid two heads, the amount will come to Rs.2267/- per decimal approximately, which is more or less the same as fixed vide Exhibit 'C', i.e., Rs.2403.67 per decimal, which has been paid in similar acquisition out of same notification.

32. Thus, I find that the rate fixed by Exhibit 'C' is the correct valuation of the land, which has been acquired and the same is also relied upon by both the parties.

33. Thus, in view of what has been held above and view of the judgment of **Bhim Singh (supra)**, I find that the correct value of the land so acquired should be fixed at Rs.2,403.67 per decimal.

34. So far as Land Reference Case Nos.68 and 69 of 2011 are concerned, which relate to acquisition of a portion of the house, by para 13 of the impugned judgment, the Land Acquisition Judge dismissed the prayer of the land losers. This appeal is not by the land losers, thus, so far as Land Reference Case Nos.68 and 69 of 2011 are concerned, the judgment of the Land Acquisition Judge is upheld.

35. In view of what has been held above, these appeals stand allowed and the compensation amount awarded by the Land Acquisition Judge vide the impugned judgment is modified to be Rs. 2,403.67 per decimal to be payable by the appellant company in favour of the land losers.

16. This Court finds that in First Appeal No. 596 of 2014 primarily the compensation was fixed taking into consideration that for acquisition of large chunk of land, the compensation at flat rate is required to be awarded and deductions are also required to be made to arrive at the rate of compensation. For that purpose, the Judgments of Hon'ble Supreme Court were also cited.

17. This court finds that though the Judgment passed in First Appeal No.596 of 2014 and other analogous cases has not been filed by the appellant by way of additional evidence, but the same has certainly been placed on record along with the memo of appeal and this Court cannot shut eyes to the fact that the sole basis

of fixation of compensation was the judgement L.R. Case No. 3/11 to 22/11 & 24/11 to 72/11 (Ext.1) which has itself been interfered and modified by this Court in First Appeal No.596 of 2014 and other analogous cases .

18. In such circumstances, this Court is of the view that Ext.1 cannot be relied upon to sustain the amount of compensation as awarded by the learned Court and this Court would certainly not shut the eyes to the modification which has been made by this Court in First Appeal No. 596 of 2014. Accordingly, the technical objection raised by the claimants that First Appeal No. 596 of 2014 has not been filed by way of additional evidence is rejected. Apart from this technical objection, there is no other objection in connection with the text or otherwise in First Appeal No. 596 of 2014 which is a part of the records of the High Court.

19. So far as the argument of the respondents that only 20% deduction should be made instead of 30%, is misplaced and not acceptable. This court finds that the appellant C.C.L. had claimed deduction of 20% on the awarded amount on the ground that they had developed the acquired property but the reason for deduction of 30% by the Judgment in First Appeal No. 596 of 2014 and other analogous cases are on different ground altogether which is apparent from the portion of the Judgment passed in First Appeal No. 596/2014 as quoted above wherein this Court has taken a clear view that the compensation was required to be awarded at flat rate for the entire chunk of land.

20. This court is of the considered view that these cases are squarely covered by the judgement passed in the case of First Appeal No. 596 of 2014 and other analogous cases arising out of the same acquisition process with respect to village Topa where large area of 116.54 acres were acquired at a time. Accordingly, these appeals are also allowed in the same terms as that First Appeal No. 596 of 2014

and other analogous cases by reducing the rate of compensation from Rs.3238/- per decimal to Rs. 2403.67/- per decimal. So far as the other components of the award is concerned, they are required to be recalculated on the basis of the reduced compensation per decimal as mentioned above.

21. At this learned Counsel for the appellants has submitted that cost was imposed by this Court at the time of condonation of delay which was to be given to the claimants upon giving the details of the Bank Account, but no details of the Bank Account having been furnished and accordingly, the cost could not be remitted.

22. To this, the learned Counsel for the claimants has submitted that he shall furnish the details of the Bank Account to the learned counsel of the appellant within a period of one week.

23. Let the cost imposed at the time of condonation of delay be remitted to the claimants by the appellant immediately upon receipt of bank account details.

24. Let this judgement be communicated to the court concerned through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

September, 16, 2025

P.K.S/Saurav

Uploaded on 25.12.2025