

PETITIONER:
UNION OF INDIA ETC.

Vs.

RESPONDENT:
SUNIL CHANDRA SAHA & ANR. ETC.

DATE OF JUDGMENT 25/07/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
PARIPOORNAN, K.S.(J)

CITATION:
1995 SCC (5) 311 1995 SCALE (4) 767

ACT:

HEADNOTE:

JUDGMENT:

AND

C.A Nos. 5561-83, 5594-5610/94 & 3196/95 and C.A Nos. 7208-7220/95 @ SLP (c) Nos. 15134-146/94
O R D E R

Leave granted on the S.L.Ps.

We do not propose to express any opinion on merits. Suffice it to state that neither the claimants nor the Land Acquisition officer had adduced any legally admissible evidence in proof of the market value prevailing as on the date of the market value prevailing as on the date of notification or in rebuttal. The appellants-beneficiaries are entitled to a notice and participation in the award inquiry as well as in the reference and could adduce evidence in rebuttal to the claim of higher compensation. Unfortunately, the appellants had no notice nor an opportunity to adduce evidence. Both the claimants and the Land Acquisition officer merely marked the sale deeds without examining either the vendor or the vendee to bring on record the circumstances in which the sale deeds came to be executed, the lands to the acquired lands, the nature of the respective lands and whether they would offer comparable sales to determine just and fair market value to the acquired lands. In the absence of such relevant and material evidence it would be difficult to determine compensation in respect of the acquired lands. The appeal are allowed accordingly. The award and decree of the Reference Court as confirmed by the High Court stand set aside. The cases are remitted to the reference court for disposal.

The appellant are directed to appear before the reference court on August 28, 1995. Parties are at liberty to adduce such legal evidence as is necessary to determine true and correct market value of the land prevailing as on the date of the notification. The reference court is directed to consider and dispose of these cases within three months from August 28, 1995 after giving opportunity to all the parties.

no costs.

JUDIS