



2026:AHC-LKO:21462

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL No. - 159 of 2003

Raebareli Development Authority

.....Appellant(s)

Versus

Jai Narain And Another

.....Respondent(s)

Counsel for Appellant(s)	: V.R.Singh, Shikhar Anand
Counsel for Respondent(s)	: G.S.Nigam, C.S.C., Ram Sagar, Sunder Lal

Court No. - 19

HON'BLE SYED QAMAR HASAN RIZVI, J.

1. Heard Sri Shikhar Anand, learned counsel for the appellant; Sri Ram Sagar, learned counsel for the respondents; and Sri Arun Kumar Singh, learned Additional Chief Standing Counsel for the respondent No. 2.

2. By means of the present appeal filed under Section 54 of the Land Acquisition Act, 1894, the appellant has made the following prayer:

It is, therefore, respectfully prayed that the Hon'ble court may be pleased to allow the appeal with costs and set aside the Judgement and award dated 15.2.1993 passed by the District. Judge, Raebareli in Land Accuisition Case No. 33/91 and dismiss the reference of respondent No.1 in appeal, such other order be Hon'ble Court may deem fit circumstances of the case.

3. Learned counsel for the appellant has submitted that the instant matter pertains to the 'Malikmau Housing Scheme', wherein the Collector had made an award, and the said award was challenged by a number of tenure holders by filing references under Section 18 of the Land Acquisition Act.

4. It is contended on behalf of the appellant that the learned District Judge, Raebareli has committed a manifest illegality in accepting the exemplars, i.e., two sale deeds pertaining to the year 1991 filed by the claimants, which are subsequent to the notification under Section 4(1) of the Land Acquisition Act, 1894 dated 15.07.1988 and, therefore, could not have been taken into consideration for determining the market value of the land. It is further contended that the relevant date for determination of market value is the date of notification under Section 4, and the findings recorded on the basis of such exemplars are contrary to law;

further, the learned District Judge has committed illegality in determining the market value on the basis of such exemplars and has recorded findings which are conjectural in nature, superfluous, and contrary to the provisions of Sections 11 and 23 of the Land Acquisition Act, 1894.

5. It is submitted that the learned reference Court decided a number of references relating to the said scheme, and one such judgment that was assailed by the Raebareli Development Authority before this Court by means of First Appeal No. 77 of 1994 (Raebareli Development Authority vs. Amrit Lal), came to be dismissed vide order dated 23.01.2023 which is quoted herein below for ready reference:-

- "1. Heard Sri Shikhar Anand, learned counsel for appellant.*
- 2. No one appears on behalf of respondents.*
- 3. The appeal has been preferred against the order and award dated 23.12.1992 passed by District Judge Raebareli whereby he has allowed the reference preferred by the respondents for enhancement of compensation with regard to land of respondent No. 1 which was acquired by the State.*
- 4. It has been submitted by learned counsel for appellant that three plots of land, namely, Plot No. 1069 C area 0.2500 hectare, plot No. 1081 area 0.2000 hectare and plot No. 2791/1152 are 0.3500 hectare situated at village Ahmadpur Nazul, Paragana, Tahsil and District Raebareli were acquired by the State Government for making of a residential colony and on the said land respondent No. 1 had half of her share. The said land was acquired and the prescribed authority has fixed the compensation @ Rs. 20,000/- per bigha which comes out to Rs. 1000/- per biswa.*
- 5. The respondent No. 1 was of the considered view that the compensation granted by the Prescribed Authority was inadequate, preferred a revision before the District Judge which has been decided by the impugned judgment dated 23.12.1992.*
- 6. Learned counsel for appellant has submitted that order of the District Judge needs interference considering the fact that the same is not based on any material and merely on conjunctures the amount of compensation has been enhanced. No other ground was raised by the appellant while arguing the said case.*
- 7. This Court has perused the lower court record and heard learned counsel for appellant.*
- 8. It is noticed that in the revision, the appellant has adduced numerous sale deeds of nearby land. The sale deeds executed by Chand Kumar Singh, Yusuf, Chandra Pal, Duli Chand, Radhey, Shital Din and Rameshwar were adduced which indicted that much higher amount was awarded as compensation.*
- 9. Learned District Judge was of the considered view that the valuation of*

the said land as mentioned in the sales deeds adduced by the respondent pertain to smaller plots which admittedly fetched a higher rate while plot of the respondents is much large area and consequently such higher rates could not be granted to him. The respondent had further adduced material before the District Judge that District Magistrate himself had acquired the land @ Rs. 140/- per sq. meter with regard to the residential land and Rs. 180/- per sq. meter for commercial land and accordingly he submitted that petitioner was entitled to at-least Rs. 14/- per sq. ft as compensation with regard to the said land. After considering the entire matter, the District Judge has computed the compensation at a modest amount of Rs. 3 per sq. ft. and accordingly held that respondent would be entitled to Rs. 4085/- per biswa and reducing the development charges of the said land, he has fixed the rate at @ Rs. 3268/- per biswa. Further, addition on account of solatium an interest has been granted.

10. I have considered the material on record and after going the various sale deeds adduced by the respondent, it is noticed that a much lower figure has been accepted by the District Judge to be granted as compensation which cannot in any essence of the mater which held to be excessive or without any basis.

11. This Court after examining the record does not find that the order of District Magistrate require interference and also that he has adequately considered the exemplar and sale deeds of nearby lands while interfering with the order of the Special Land Officer, this Court does not find any infirmity in the same, accordingly, the first appeal is dismissed.

12. In case amount has not been disbursed to the respondent, the same shall be disbursed expeditiously within a period of six weeks from the date a certified copy of this order is produced before the authority concerned."

6. Per contra, learned counsel appearing for the respondents could not dispute that the issue involved in the present case is identical to that considered and decided by this Court vide its order dated 23.01.2023 passed in First Appeal No. 77 of 1994

7. From a perusal of the pleadings on record, it is evident that the grounds urged by the appellant in the present appeal are identical to those raised in First Appeal No. 77 of 1994. The award rendered by the Reference Court under Section 18 of the Land Acquisition Act, 1894, whereby the compensation was enhanced to the rate of Rs. 3268/- per biswa, already stands affirmed by this Court in the aforesaid First Appeal, and the same has since attained finality. The respondent herein has also been given the same enhanced rate and the grounds upon which challenge had been laid did not find favour in the First Appeal No.77 of 1994 by this Court thus for all the said reasons this appeal too is liable to fail.

8. In view of the aforesaid, the present appeal stands **dismissed** in light of the judgment dated 23.01.2023 passed in First Appeal No. 77 of 1994, which has also been followed by this Court in First Appeal No. 1 of 1996 and First Appeal No. 158 of 2003.

9. In case the amount has not been disbursed to the respondent, the same shall be disbursed expeditiously within a period of six weeks from the date a certified copy of this order is produced before the authority concerned.

10. No order as to costs.

(Syed Qamar Hasan Rizvi,J.)

March 25, 2026

Manoj K.