

Government of Orissa
Revenue Department
No. LA(C)-5/03 (Misc) 14347/R.,
Dated, Bhubaneswar, the 21st March, 2003

From

Shri Ashok Momin,
Addl. Secretary to Government.

To

All Collectors.

Sub: Payment of higher compensation as per Court Order under Land Acquisition Act- Reference to Revenue Department/ Law Deptt. for confirmation.

Sir,

I am directed to say that it is observed that in a number of L.A. proceedings the land loser are applying for referring the cases to the Civil Court for fixing of higher compensation and it is found that in many such cases the Court gives award for payment of higher compensation on various grounds. The L.A.,Os. are party to the case and with their knowledge the cases are disposed with award of higher compensation. In any cases the land acquisition Amins are examined by the Court as witness who admit about the genuineness of sale deeds referred as basis for award of higher compensation which are not cross-examined properly by the Govt. side and simply accepted. The sale deed referred by the petitioner parties and admitted by the witnesses i.e. Amins of Land Acquisition Officer do not mention the area of the sale deed and if such a sale deed can be taken as the representative/transaction to fix the compensation for the entire village. Even the kissam of the land is not expressed as a result of which a sale deed having higher rate for a better kissam of land is often referred as ideal compensation value for all the land even of lower kissam, acquired in the village to be paid at the same higher rate. Even if a paddy land is sold at a very high rate due to its locational advantage i.e. being near a main road etc. the same are not often pointed out.

When such Court orders are referred to the Revenue Deptt. for views as to whether the matter will be complied with or it will be appealed against it becomes very difficult to take a view in the matter as it is found that Govt. Advocate of Dist. Is not being consulted, issue involved in the case for appeal not made out and specific views of Collector is also recorded. The Land Acquisition Officers are simply forwarding the copy of the judgement without any exercise on the issue for which Revenue Deptt. is not in a position to offer any opinion within the short period of 3 months of appeal period to consult the Law Deptt. and advise you on the matter.

So you are requested to kindly ensure that the following points are invariably furnished at the time of forwarding such case matters for opinion of the revenue Deptt. very promptly keeping the appeal period in mind.

1) Views of Govt. Advocate.

2) Analysis of Court Order including validity of the sale deed cited expressing the area and Kissam regarding its representativeness for the whole village and the entire area taken under L.A. proceedings.

3) Views of Collector in particular.

Some of such case matters have recently been returned to the Collectors for compliance on the above line.

Please do the needful as explained above.

Yours faithfully,

Sd/-

Addl. Secretary to Government