IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 303 of 2026

1. Chamu Munda, Son Of Late Lachhu Munda, Aged About 44 Years, Resident Of Village And P.o.- Gandke, Police Station: Ramgarh, District: Ramgarh, State: Jharkhand
2. Ramu Munda, Son Of Late Lachhu Munda, Aged About 38 Years, Resident Of Village And P.o.- Gandke, Police Station: Ramgarh, District: Ramgarh, State: Jharkhand

… … Applicants/Appellants

Versus

1. Deputy Commissioner, Ramgarh P.o.- Ramgarh, Police Station: Ramgarh, District: Ramgarh, State: Jharkhand
2. Executive Engineer, Road Construction Department Division Ramgarh, P.o.- Ramgarh, Police Station: Ramgarh, District: Ramgarh, State: Jharkhand.

… … Opp. Parties/Respondents

With
F.A. No. 298 of 2026

1. Hemlal Mahto aged about 73 year S/o late Ramlal Mahto,
2. Shivcharan Mahto aged about 43 year S/o late Ramlal Mahto,
3. Roushanlal Mahto aged about 61 year S/o late Bishun Mahto,
4. Harakh Nath Mahto aged about 54 year S/o late Deolal Mahto @ Dev Dayal Mahto,
5. Asheshwar Mahto aged about 60 year S/o late Kaila Mahto,
6. Ghuneshwar Mahto aged about 41 year S/o late Kaila Mahto,
7. Jagdish Mahto aged about 52 year S/o late Nanku Mahto,
8. Salikh Mahto aged about 85 year S/o late Kartik Mahto,
9. Jagarnath Mahto aged about 73 year S/o late Kartik Mahto, All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O. + P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

With
F.A. No. 300 of 2026

1. Chamu Munda aged about 44 year,
2. Ramu Munda aged about 38 year,

Both are sons of late Lachhu Munda, resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand.

… … Applicants/Appellants

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.

2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

With
F.A. No. 304 of 2026

1. Ramphal Munda aged about 67 year S/o late Kamal Godayat,
2. Naresh Munda aged about 57 year S/o late Gudan Munda,
3. Rajesh Munda aged about 42 year S/o late Suresh Munda,
4. Lal Mohan Munda aged about 55 year S/o late Titku Munda,

All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

With
F.A. No. 343 of 2026

1. Bishun Ganjhu aged about 76 year S/o late Puran Ganjhu,
2. Yogendar Ganjhu aged about 38 year S/o late Rameshwar Ganjhu,
3. Digendar Ganjhu aged about 35 year S/o late Rameshwar Ganjhu,
4. Tileshwar Ganjhu aged about 30 year S/o late Rameshwar Ganjhu,
5. Omprakash Ganjhu aged about 28 year S/o late Rameshwar Ganjhu,
6. Surendar Ganjhu aged about 23 year S/o late Rameshwar Ganjhu,
7. Mangra Ganjhu aged about 60 year S/o late Jagdeo Ganjhu,
8. Ashok Bhokta aged about 49 year S/o late Jagdeo Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 344 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … **Opposite Parties/Respondents**

With

F.A. No. 345 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … **Opposite Parties/Respondents**

With

F.A. No. 346 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … **Opposite Parties/Respondents**

With

F.A. No. 348 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 349 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand.

… … Applicants/Appellants

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 350 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand.

… … Applicants/Appellants

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 351 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand.

… … Applicants/Appellants

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.

2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 352 of 2026

1. Bishun Ganjhu aged about 76 year S/o late Puran Ganjhu,
2. Yogendar Bhogta aged about 38 year S/o late Rameshwar Ganjhu,
3. Digendar Ganjhu aged about 35 year S/o late Rameshwar Ganjhu,
4. Tileshwar Ganjhu aged about 30 year S/o late Rameshwar Ganjhu,
5. Omprakash Ganjhu aged about 28 year S/o late Rameshwar Ganjhu,
6. Surendar Ganjhu aged about 23 year S/o late Rameshwar Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 353 of 2026

1. Bishun Ganjhu aged about 76 year S/o late Puran Ganjhu,
2. Yogendar Ganjhu aged about 38 year S/o late Rameshwar Ganjhu,
3. Digendar Ganjhu aged about 35 year S/o late Rameshwar Ganjhu,
4. Tileshwar Ganjhu aged about 30 year S/o late Rameshwar Ganjhu,
5. Omprakash Ganjhu aged about 28 year S/o late Rameshwar Ganjhu,
6. Surendar Ganjhu aged about 23 year S/o late Rameshwar Ganjhu,
7. Mangra Ganjhu aged about 60 year S/o late Jagdeo Ganjhu,
8. Ashok Bhogta aged about 49 year S/o late Jagdeo Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 354 of 2026

1. Bishun Ganjhu aged about 76 year S/o late Puran Ganjhu,
2. Yogendar Ganjhu aged about 38 year S/o late Rameshwar Ganjhu,
3. Digendar Ganjhu aged about 35 year S/o late Rameshwar Ganjhu,
4. Tileshwar Ganjhu aged about 30 year S/o late Rameshwar Ganjhu,
5. Omprakash Ganjhu aged about 28 year S/o late Rameshwar Ganjhu,
6. Surendar Ganjhu aged about 23 year S/o late Rameshwar Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.

2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 364 of 2026

1. Jaleshwar Mahto aged about 62 year S/o late Lakhan Mahto,
2. Kuleshwar Mahto aged about 48 year S/o late Lakhan Mahto,

Both are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 365 of 2026

1. Bishun Ganjhu aged about 76 year S/o late Puran Ganjhu,
2. Yogendar Bhogta aged about 38 year S/o late Rameshwar Ganjhu,
3. Digendar Ganjhu aged about 35 year S/o late Rameshwar Ganjhu,
4. Tileshwar Ganjhu aged about 30 year S/o late Rameshwar Ganjhu,
5. Omprakash Ganjhu aged about 28 year S/o late Rameshwar Ganjhu,
6. Surendar Ganjhu aged about 23 year S/o late Rameshwar Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 369 of 2026

1. Kundan Mahto aged about 61 year S/o late Radhanath Mahto,
2. Mukhlal Mahto aged about 55 year S/o late Radhanath Mahto,
3. Kauleshwar Mahto aged about 51 year S/o late Radhanath Mahto,
4. Hiralal Mahto aged about 47 year S/o late Radhanath Mahto,

All are resident of Village & P.O.- Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 370 of 2026

1. Abdul Minhaz aged about 60 year S/o late Ismail Miya,
2. Sahid Ansari aged about 56 year S/o late Ismail Miya,
3. Kyum Ansari aged about 38 year S/o late Ismail Miya,
All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus
1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.
… … Opposite Parties/Respondents

With
F.A. No. 371 of 2026
1. Ramkeshwar Bhogta, aged about 50 years, S/o Late Khakhandu Bhiogta
2. Butani Devi, aged about 43 years, W/o Late Parmeshwar Bhogta
3. Kinu Ganjhu, aged about 76 years, S/o late Amrit Ganjhu
All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus
1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.
… … Opposite Parties/Respondents

With
F.A. No. 372 of 2026
1. Ramkeshwar Bhogta, aged about 50 years, S/o Late Khakhandu Bhiogta
2. Butani Devi, aged about 43 years, W/o Late Parmeshwar Bhogta
3. Kinu Ganjhu, aged about 76 years, S/o late Amrit Ganjhu
All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus
1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.
… … Opposite Parties/Respondents

With
F.A. No. 373 of 2026
1. Ramkeshwar Bhogta, aged about 50 years, S/o Late Khakhandu Bhiogta
2. Butani Devi, aged about 43 years, W/o Late Parmeshwar Bhogta
3. Kinu Ganjhu, aged about 76 years, S/o late Amrit Ganjhu

All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 374 of 2026

1. Ramkeshwar Bhogta aged about 50-year S/o late Khakhandu Bhiokta,
2. Butani Devi aged about 43 year W/o late Parmeshwar Bhokta,
3. Kinu Ganjhu aged about 76 year S/o late Amrit Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

F.A. No. 375 of 2026

1. Ramkeshwar Bhogta, aged about 50 years, S/o Late Khakhandu Bhiogta
2. Butani Devi, aged about 43 years, W/o Late Parmeshwar Bhogta
3. Kinu Ganjhu, aged about 76 years, S/o late Amrit Ganjhu

All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 376 of 2026

1. Ramkeshwar Bhogta aged about 50 year S/o late Khakhandu Bhiogta,
2. Butani Devi aged about 43 year W/o late Parmeshwar Bhogta,
3. Kinu Ganjhu aged about 76 year S/o late Amrit Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. … … **Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 394 of 2026

1. Ranjeet Ganjhu aged about 62 year S/o late Meghu Ganjhu,
2. Ramnandan Ganjhu aged about 46 year S/o late Sonaram Ganjhu,
3. Jaynandan Ganjhu aged about 50 year S/o late Sonaram Ganjhu,
4. Binod Ganjhu aged about 38 year S/o late Sonaram Ganjhu,
5. Suresh Ganjhu aged about 51 year S/o late Ramnath Ganjhu,
6. Naresh Ganjhu aged about 49 year S/o late Ramnath Ganjhu,
7. Sohan Ganjhu aged about 25 year S/o Ramkishun Ganjhu,

All are resident of Village & P.O. - Gandke, P.S. & District- Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 395 of 2026

1. Chunilal Mahto, aged about 65 years, S/o late Meghu Mahto
2. Sumiram Mahto, aged about 74 years, S/o late Meghu Mahto.
3. Sumitra Devi aged about 72 years, W/o late Gunaram Mahto
4. Laxmi Devi, aged about 51 years, W/o late Munilal Mahto
5. Rajeshwar Mahto, aged about 55 years, S/o late Sewlal Mahto
6. Mahendar Mahto, aged about 60 years, S/o late Mayaram Mahto
7. Jitu Mahto, aged about 55 years, S/o late Mayaram Mahto
8. Jayanti Devi, aged about 55 years, W/o late Parasnath Mahto

All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With
F.A. No. 396 of 2026

1. Chunilal Mahto, aged about 65 years, S/o late Meghu Mahto
2. Sumiram Mahto, aged about 74 years, S/o late Meghu Mahto.
3. Sumitra Devi aged about 72 years, W/o late Gunaram Mahto
4. Laxmi Devi, aged about 51 years, W/o late Munilal Mahto

All are resident of Village & P.O. - Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 397 of 2026

1. Mangra Ganjhu aged about 60 year S/o late Jagdeo Ganjhu,
2. Ashok Bhogta aged about 49 year S/o late Jagdeo Ganjhu,

All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand.. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O., P.S. & District- Ramgarh.

… … Opposite Parties/Respondents

With

F.A. No. 417 of 2026

1. Hemlal Mahto aged about 73 year S/o late Ramlal Mahto,
2. Shivcharan Mahto aged about 43 year S/o late Ramlal Mahto,
3. Roushanlal Mahto aged about 61 year S/o late Bishun Mahto,
4. Harakh Nath Mahto aged about 54 year S/o late Deolal Mahto @ Dev Dayal Mahto,
5. Asheshwar Mahto aged about 60 year S/o late Kaila Mahto,
6. Ghuneshwar Mahto aged about 41 year S/o late Kaila Mahto,
7. Jagdish Mahto aged about 52 year S/o late Nanku Mahto,
8. Salikh Mahto aged about 85 year S/o late Kartik Mahto,
9. Jagarnath Mahto aged about 73 year S/o late Kartik Mahto,

All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O. + P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

With

F.A. No. 418 of 2026

1. Hemlal Mahto aged about 73 year S/o late Ramlal Mahto,
2. Shivcharan Mahto aged about 43 year S/o late Ramlal Mahto,
3. Roushanlal Mahto aged about 61 year S/o late Bishun Mahto,
4. Harakh Nath Mahto aged about 54 year S/o late Deolal Mahto @ Dev Dayal Mahto,
5. Asheshwar Mahto aged about 60 year S/o late Kaila Mahto,
6. Ghuneshwar Mahto aged about 41 year S/o late Kaila Mahto,
7. Jagdish Mahto aged about 52 year S/o late Nanku Mahto,
8. Salikh Mahto aged about 85 year S/o late Kartik Mahto,
9. Jagarnath Mahto aged about 73 year S/o late Kartik Mahto,

All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.

2. Executive Engineer Road Construction Department Division Ramgarh, P.O. + P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

With

F.A. No. 419 of 2026

1. Hemlal Mahto aged about 73 year S/o late Ramlal Mahto,
2. Shivcharan Mahto aged about 43 year S/o late Ramlal Mahto,
3. Roushanlal Mahto aged about 61 year S/o late Bishun Mahto,
4. Harakh Nath Mahto aged about 54 year S/o late Deolal Mahto @ Dev Dayal Mahto,
5. Asheshwar Mahto aged about 60 year S/o late Kaila Mahto,
6. Ghuneshwar Mahto aged about 41 year S/o late Kaila Mahto,
7. Jagdish Mahto aged about 52 year S/o late Nanku Mahto,
8. Salikh Mahto aged about 85 year S/o late Kartik Mahto,
9. Jagarnath Mahto aged about 73 year S/o late Kartik Mahto,

All are resident of Village & P.O.- Gandke, P.S. & District-Ramgarh, Jharkhand. **… … Applicants/Appellants**

Versus

1. Deputy Commissioner, Ramgarh, P.O. + P.S. & District-Ramgarh.
2. Executive Engineer Road Construction Department Division Ramgarh, P.O. + P.S. & District- Ramgarh.

… … Opp. Parties/Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants : Mr. Baleshwar Yadav, Advocate
: Mr. Dhananjay Prasad Yadav, Advocate

For the Respondents : Mr. Sanjay Kr. Tiwari, SC-I
: Mr. Krishna Kr. Bhatt, AC to SC-I
: Mr. Abhinay Kumar, AC to G.A.-I
: Ms. Shalini Shahdeo, AC to SC (L&C)-I
: Mr. Anshuman Kumar, AC to SC (L&C)-II
: Mr. Pankaj Kumar Choudhary, AC to SC (L&C)-II
: Mr. Mukul Kumar, AC to GP-III
: Mr. Shashank Kumar, AC to GP-IV
: Mr. Niraj Kumar Mishra, AC to GP-IV

CAV on 07.09.2026 **Pronounced on 15.09.2026**

1. All these first appeals have been filed under Section 74 of the ***Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "Act of 2013")*** against the common Judgement dated 24.02.2025 and the respective awards passed by the learned Principal District Judge-cum-L.A.R.R.A, Hazaribag, in different Land Reference Cases

arising out of Land Acquisition Case No. 09 of 2019-20 in connection with acquisition of lands for the purpose of widening and strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road vide Notification No. 407 dated 01.07.2019 under section 11 of the Act of 2013 and Declaration No.109/L.A. dated 18.02.2020, whereby and whereunder the learned Principal District Judge-cum-L.A.R.R.A., Hazaribag has enhanced the rate of compensation to Rs.11,000/- (Rs. Eleven Thousand) per decimal from Rs.3740/- per decimal as determined by the learned District Land Acquisition Officer, Ramgarh. The appellants seek enhancement of compensation for the acquired land. They claimed compensation at the rate of Rs.1,50,000/- per decimal.

2. <u>Basic details with respect to the appeals as given by the Appellants during court proceedings on 07.09.2026</u>

Village–Gandke,
L.A. Case No. 09/2019-20,
Project Name: Widening & Strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road.
Notification No.407/L.A., dated 01.07.2019,
Declaration No. 109/L.A., dated 18.03.2020,
Collector Fixed compensation @ Rs. 3740/- per Decimal, the learned court Fixed @ Rs.11,000/- per Decimal and Claim is @ Rs.1,50,000/- per Decimal.
Cases involved in the batch of these appeals.

S.N.	F.A. No.	L.R. Case No.	Award No.	Khata	Plot	Area (in decimal)
1.	303/2026	622/2022	87	29	1190	3
2.	298/2026	652/2022	68	45	1182	12
3.	300/2026	621/2022	88	29	1189	2
4.	304/2026	651/2022	60	40	394	5
5.	343/2026	645/2022	43	39	383	8
6.	344/2026	659/2022	57	39	1028	3
7.	345/2026	670/2022	37	39	90	3
8.	346/2026	663/2022	41	39	164	1
9.	348/2026	661/2022	38	39	91	16
10.	349/2026	664/2022	34	39	75	1
11.	350/2026	665/2022	40	39	163	1
12.	351/2026	662/2022	39	39	162	2
13.	352/2026	647/2022	58	39	1361	1
14.	353/2026	671/2022	56	39	1357	2
15.	354/2026	646/2022	55	39	1031	3
16.	364/2026	667/2022	33	39	60	2
17.	365/2026	619/2022	46	39	386	4
18.	369/2026	668/2022	53	39	1028	4

19.	370/2026	635/2022	31	31	1241	3
20.	371/2026	628/2022	50	39	392	1
21.	372/2026	629/2022	35	39	76	1
22.	373/2026	626/2022	44	39	384	12
23.	374/2026	624/2022	47	39	388	1
24.	375/2026	630/2022	36	39	74	1
25.	376/2026	625/2022	93	48	416	2
26.	394/2026	660/2022	51	39	419	6
27.	395/2026	633/2022	18	20	1010	4
28.	396/2026	632/2022	92	16	1570	8
29.	397/2026	620/2022	45	39	385	2
30.	417/2026	653/2022	70	45	1377	4
31.	418/2026	655/2022	69	45	1375	9
32.	419/2026	654/2022	67	45	1181	3

Total area= 130 decimals

3. It is not in dispute that about 5.17 acres of land of different Khatas of Mouza- Gandke, Thana No. 99, Revenue Thana Ramgarh, Anchal Ramgarh in the district of Ramgarh were acquired for the purpose of widening and strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road vide aforesaid notification dated 01.07.2019 under section 11 of the Act of 2013. It is not in dispute that the learned District Land Acquisition Officer, Ramgarh fixed flat rate of compensation at Rs.3740/- per decimal which was the circle rate. Admittedly, no sale deed could be found for consideration even by the said authority with respect to the Mouza- Gandke for finding out the market value of the acquired land and even the appellants/claimants have not produced any sale deed of the concerned village for consideration by the court.

4. The learned Principal District Judge-cum-L.A.R.R.A., Hazaribag framed the following point for determination: -

"Whether the compensation awarded to the petitioners should be enhanced?"

5. The applicants/awardees/appellants examined two witnesses in support of their claims. P.W.-1 is Harakhnath Mahto and P.W.-2 is Yogendra Prasad Ganjhu. They have exhibited as many as 7 sale deeds and two maps which were marked X and X/1 for identification. The opposite party examined only one witness as D.W-1 and exhibited three documents, marked as exhibit A [notification under section 11(1) of the Act of 2013], exhibit B [notification under section 19(1) of the Act of

2013] and exhibit- C (the Map). ***Both the parties have also filed their written submissions after completion of arguments in the court.***

6. Arguments of the appellants

A. The appellants in the different awards, being dissatisfied with the amount awarded by the District Land Acquisition Officer, Ramgarh, had preferred the reference petitions under section 64 of the Act of 2013 which was referred to the learned court. The appellants assailed the acquisition, *inter alia*, on the ground that, market value fixed for the land acquired is very low from the prevailing market rate, at the time of the notification under section 11 of the Act of 2013.

B. Since no sale transaction of lands from the year 2016 to 2019 of village Gandke was found (exhibit-C), as Gandke is declared CNT village, hence the appellants have taken the shelter of Section 26 (b), Explanation 2 of the aforesaid Act of 2013 and produced total seven sale deeds of adjacent villages (Kankebara and Murramkala) for calculation and determination of average rate of their acquired lands. All the deeds are of residential lands, which were exhibited as Exhibit-1, 1/1, 1/2, 1/3, 1/4, 1/5 & 1/6.

C. Two witnesses on behalf of the appellants namely Harakhnath Mahto and Yogendra Prasad Ganjhu have been examined, who have adduced their statement on Affidavit that the village Gandke is very developed village. They have stated all the amenities like Schools, Colleges, B. Ed College, Nursing College, Hospital, Law College and Market etc. are situated in their village Gandke. They have also clearly deposed that village Kankebar and Murramkala are the adjacent villages to their village Gandke.

D. For proving the adjacency of the above villages to village Gandke, the appellants have also produced the village maps of villages- Kankebar and Gandke, which were exhibited as X & X/1. It has seen established by exhibit X & X/1 that Kankebar and Murramkala are the adjacent villages to village Gandke.

One witness on behalf of the respondents has also been examined; who in his cross-examination (para-21 of his deposition) has accepted that the rate of land in surrounding to Ramgarh is 1 to 2 lakh rupees per decimal. He also accepted in his cross-examination (paragraph 16 of his deposition) that village Gandke and Kankebar are adjoining villages.

E. While referring to the impugned judgement it is submitted as under: -

i. On the basis of sale deeds produced by the appellants, the calculation of the Average rate of residential Land is Rs. 3,14,367/- per decimal and agricultural land is Rs. 1,57,183/- per decimal (Calculation is at page-66 of judgment).

ii. The acquire lands are situated on roadside; hence the lands in question are residential and commercial, not Agricultural land. (Exhibit-A & B is the evident).

iii. In spite of the above proven facts the learned court has erroneously declined to give the claimed rate of compensation for the acquired lands of the appellants as determined under section 26(b), Explanation 2 of the Act of 2013. The reasoning has been noted as *"from perusal of the oral and documentary evidence on record it is not clear that how much distance between the acquired land of village Gandke and land of sale deeds of village Murramkala and Kankebar submitted by the petitioners."* (Page-70 of judgment) even though the village maps were produced by the appellants and have been exhibited as X & X/1. The maps speak about the adjacency of the villages. The aforesaid finding of the learned court is erroneous.

iv. The learned court has also erroneously declined to give the prevailing market value of the acquired lands by saying that it is much high in compare to the government assessment. (Page-70 of judgment).

v. The reasoning given by the learned court is in violation of section 26(b) of the Act of 2013. The government's assessment is much less than the prevailing market rate that is why the matter has been referred under section 64 of the Act of 2013 for enhancement of compensation amount.

vi. The learned court has ignored the statutory mandate under Section 26 of the Act and has fixed the valuation of land and ordered to give compensation at the rate of an arbitrary figure of Rs.11,000/- per decimal, which has no nexus either with the documentary evidence or with the statutory methodology.

vii. The settled principle is that compensation must be based on the highest value of comparable land in the vicinity. If the applicants produced valid sale deeds from adjacent Village (Kankebar and Murramkala) showing higher rates, those "exemplar" deeds must be the baseline. Arbitrarily creating categories to dilute the market rate violates the beneficial intent of the 2013 Act.

viii. Under established land acquisition jurisprudence, the market value is not just determined by the land's current use but by its "potential use." The land of the appellants situated on road side, which has immense commercial potential. Treating it purely as agricultural land ignores its true market value.

F. It is further submitted that:-

a) The Act of 2013 has been enacted specifically to cure the draconian anti-farmer nature of the old 1894 Act, which view should be considered by the courts.

b) After careful perusal of produced exemplar sale deeds, one sale deed No. 1562 dated 23.10.2019 (ext.-5) will be excluded, since it was executed after the notification dated 01.07.2019. As such altogether following 6 sale deeds found to be genuine as exemplar sale deeds:

Sl No.	Sale deed No.	Date of sale deed	Village	Nature of Lands	Area in decimal	Sale Deed Value Rs.	Rate/Decimal Residential	Rate/Decimal Agricultural	Ext. No.
1.	831/804	30.4.16	Kankebar	Residential	4.25	10,00,000	2,35,294.11	1,17,647	1
2.	938/918	14.7.17	Kankebar	Residential	6.25	6,20,625	99,300	49,650	1/1
3.	1979/1931	16.11.18	Muramkala	Residential	13.25	31,63,000	238716.98	1,19,358.49	1/2

4	1378	17.11.17	Muramkala	Residential	18.5	51,00,000	275675.67	1,37,837.83	1/3
5.	2084	31.12.18	Muramkala	Residential	13	30,00,000	230769.23	1,15,384.61	1/4
6.	122	28.1.19	Muramkala	Residential	7.5	29,70,000	396000	1,98,000	1/6

c) That out of above 6 sale deeds three higher valued sale deeds should be taken for determination of fair market value of the acquired land of the appellants and those are the following sale deeds.

Sl No.	Sale deed No.	Date of sale deed	Village	Nature of Lands	Area in decimal	Sale Deed Value Rs.	Rate/Decimal Residential	Rate/Decimal Agricultural	Ext. No.
3.	1979/1931	16.11.18	Muramkala	Residential	13.25	31,63,000	238716	1,19,358	1/2
4	1378	17.11.17	Muramkala	Residential	18.5	51,00,000	275675	1,37,837	1/3
6.	122	28.1.19	Muramkala	Residential	7.5	29,70,000	396000	1,98,000	1/6

The average rate for Residential land would be (in round figure)

238716+275675+396000= 910391÷3=303463/-per decimal.

The average rate for agricultural land would be (in round figure)

119358+137837+198000=455195÷3=151731/- per decimal.

d) As per above calculation, the fair market value of acquired land comes at the rate of Rs. 1,51,731/- per decimal and the appellants have paid the court fee on the basis of their claim of Rs. 1,50,000/- per decimal, which is nearest to Rs. 1,51,731/-.

e) The Authority has failed to appreciate that the acquired land of appellants possessed substantial non-agricultural and developmental potential, being acquired for construction of widening and strengthening of Lalki Ghati to Marang Marcha NH23 Road, which means that the lands of the appellants are on road, therefore, its market value could not have been assessed merely on the basis of its existing agricultural use.

f) The settled principle of law is that the market value has to be determined considering the highest bona fide comparable sale instances and the potentiality of the land and not merely on the basis of its present use.

g) The reasons assigned by the Authority for reducing the market value are neither supported by evidence nor by any provision of the Act, rendering the award arbitrary and unsustainable.

h) The impugned awards defeat the very object of the Act of 2013, namely, to ensure fair, just and adequate compensation to the persons whose lands are compulsorily acquired.

i) The impugned judgment is contrary to the evidence on record, the provisions of Sections 26 to 30 of the Act of 2013, and the settled principles governing determination of compensation in compulsory acquisition cases and, therefore, deserves to be set aside.

j) The Reference Court has also computed the average market value of the acquired land on the basis of exemplar sale deeds but there is no legal basis for reducing it to Rs.11,000/- per decimal without giving any reasoning and the same is against his own determination.

k) The appellants are entitled to get compensation on the basis of the market value established through the comparable sale deeds @ Rs. 1,51,731/- per decimal as computed above or @ Rs. 1,50,000/- per decimals for which the appellants have paid the court fee, together with all statutory benefits including solatium, additional compensation and interest as provided under the Act of 2013.

l) The learned counsel for the appellants has also relied upon the judgement by this court in F.A. No. 52 of 2026 and analogous cases vide judgment dated 30.03.2026 against which the Special Leave Petition being SLP (C) No. 15181 of 2026 has been dismissed by the Hon'ble Supreme Court vide order dated 18.05.2026.

7. Arguments of the State

I. Total 58 Land Acquisition cases being L.A case nos. 614/2022 to 671/2022, have been referred by the D.L.A.O., Ramgarh, to the Learned Principal District Judge cum L.A.R.R.A., Hazaribagh, under section 64 of the Act of 2013. The land of the appellants situated at village Gandke within district Ramgarh have been acquired for the purpose of widening and strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road vide notification no. 407/L.A. Ramgarh dated 01.07.2019. The declaration no. 109/L.A. dated 18.02.2020 has been made.

II. The entire acquisition proceeding was conducted strictly in accordance with the provisions of the Act of 2013 and Rules framed thereunder, all statutory requirements including notification, declaration, survey, valuation and determination of compensation were duly complied with. The compensation was determined ***@ Rs.3740/- per decimals based on prevailing circle rate, classification and nature of land, multiplier factor and other statutory parameter.*** Award has been prepared under section 23 and 30 of the Act of 2013.

III. Aggrieved with the award passed by the Collector, the appellants/awardees sought reference under section 64 of the Act of 2013 before the learned court at Hazaribagh, who upon due consideration of the evidences and materials on record, enhanced the compensation to Rs.11,000/- per decimals. Thereafter, these First Appeals arise out from the common judgment dated 24.02.2025 passed by the learned court.

IV. Submissions of the State respondent are summarized as follows: -

1) The land admittedly was classified as *Tanr* category land.
2) The appellants have failed to produce any valid exemplar sale deeds of similar piece of land, comparable transactions or other credible documentary evidences to substantiate the claim for higher compensation; as such the claim for enhancement of the compensation from the compensation as determined by the court is not maintainable. Thus, the judgment under challenge in these appeals requires no interference.
3) Onus to prove higher compensation lies upon the claimants/appellants, which they failed to prove.

4) The exemplar sale deeds as exhibited on behalf of the appellants from Ext. 1 to 1/6 are not of village Gandke, but the same are of village Murramkala and Kankebar and they pertain to the residential nature of land.
5) The land of exemplar sale deeds of village Murramkala cannot be equated with the *Tanr* land of the appellants. Thus, the same cannot be taken to be similar piece of land and also of similar character.
6) Separate land acquisition cases have been registered for the lands acquired in village Gandke, but the claimants of each cases have not been examined in the cases registered at their instances, as such adverse inference can be drawn under section 114(g) of the Indian Evidence Act, that the case set up by them is not correct. Moreover, the evidence of P.W 1 cannot be taken into consideration.
7) Moreover, the P.W 1 has deposed in cross examination in paragraph no. 26 that he has not produced any document of sale price of land @ 1,50,000/- decimal. Further in cross examination he has deposed that forest area under Lalki Valley situated in Vill- Gandke lies on the right side of Ramgarh to Ranchi Road. Thus, it suggests that the area is not developed and the claim of higher compensation is without having any basis.
8) The P.W 2 has deposed in cross examination in paragraph no. 18 that the village Gandke falls within Dokahatu Panchayat. He further deposed in paragraph 20 that the land of village Gandke near Road is *Tanr*. Moreover, in Para 34 he deposed that *Lalki Ghati* lies within village Gandke. As such it can be inferred that no any agricultural activity is being carried out.
9) Thus, from the depositions of the PW's themselves the acquired land of village Gandke cannot be equated with the land of the residential nature of village Murramkala.
10) The averment made in paragraph 8 of the show cause petition filed by the O.P No. 1 & 2 in L.A case No. 614/22 to 671/2022 reads as: -

> *That the statement made in the claim petition in support of claim for compensation are denied and disputed more over the petitioner had received the compensation amount without any protest and objection.*

The reference also finds place at the bottom of the paragraph no. 4 of the judgment under challenge.

11) Thus, the appeals lack merit and no interference is required.

Points for determination.

8. Though neither cross objection nor cross appeal has been filed regarding enhancement of quantum of compensation but the learned counsel for ***the respondents have raised an objection that the appellants had received the compensation amount without any protest and hence the reference itself was not maintainable.***

Further-

The core issue to be decided in this case is –

> ***Whether the determination of compensation by the learned court of the Principal District Judge -cum- L.A.R.R.A., Hazaribag is in conformity with the provisions of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013****?*

Findings of this Court

A. The impugned judgement

9. The findings of the learned court while enhancing the compensation from flat rate of Rs.3740/- per decimal to flat rate of Rs.11,000/- per decimal is as under: -

> "*10. Heard the argument of both the sides. In the light of argument, perused the entire materials available on record from which, it appears that, fifty eight Land Acquisition Case nos. 614/2022 to 671/2022, (total area 2.75 acre of village Gandke) has been acquired by the Collector for the construction of widening strengthening of Lalki Ghati to Marang Marcha and compensation for the acquired has already been paid by the Collector. To substantiate the case, the petitioners have examined P.W. 1 Harakhnath Mahto. He is applicant in L.R. Case no. 652/2022. In his examination-in-chief, he has stated that, at the time of acquisition, the market value of the acquired land was Rs.1,50,000/- per decimal and they had given compensation for the acquired land at the rate of Rs. 3740/- per decimal which is much less than the prevailing market price of that time, but in his cross-examination at para 26 he has stated that, he has not produced any document regarding the price of land at Rs. 1.5 lakh per decimal in the court. At para 28 he has stated that, his land was classified as Tand category by the government and compensation was paid to him even though his land is of commercial category. P.W.2 is Yogendra Prasad Ganjhu. He is also one of the applicant. In his examination in-chief, he has also stated that, at the time of acquisition, the market value of the acquired land was Rs.1,50,000/- per decimal and they had given compensation for the acquired land at the rate of Rs. 3740/- per decimal which is much less than the prevailing market price of that time. In cross-examination at para 23, he has stated that, the market value of their land should be Rs 1,50,000/- per decimal but no land has been sold at this rate in Gandke village and they have not filed any document*

related to sale of the land of Gandke village. He further stated that, it is true that, they have received four times the compensation that was determined. It also appears that seven sale deeds have been proved on behalf of the petitioners which are following : ***Ext.1*** *is Certified copy of sale deed no.831/804, dated 30.04.2016 of village Kankebar****,*** ***Ext.1/1*** *is Certified copy of sale deed no.938/918, dated 14.07.2017 of village Kankebar,* ***Ext.1/2*** *is Certified copy of sale deed no.1979/1931, dated 26.11.2018 of village Murramkala,* ***Ext.1/3*** *is Certified copy of sale deed no.1378, dated 17.11.2017,* ***Ext.1/4*** *is Certified copy of sale deed no.2084, dated 31.12.2018,* ***Ext.1/5*** *is Certified copy of sale deed no.122, dated 28.01.2019,* ***Ext.1/6*** *is Certified copy of sale deed no.1562, dated 23.10.2019, It also appears that, three documents have been proved on behalf of the opp. parties.* ***Ext. A*** *is Attested copy of Notification no.407/LA, dt. 01.07.2019,* ***Ext. B*** *is Attested copy of Declaration no.109/L.A. dt. 18.02.2020 and* ***Ext. C*** *is Attested copy of map. In all the sale deeds filed on behalf of the petitioners except land of sale deed (exhibit 1/2), type of land is residential and are of village Kankebar and Murramkala. The land of Ext.-1/2 is commercial type which is of village Murramkala. It also appears from the evidence of the witnesses of the petitioners that, the claimants have been paid compensation at the rate of Rs.3740/- per decimal. It further appears that, there is no sale transaction of village Gandke.*

I find that, for determination of market value of land it is essential to go through the provisions of sections 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which reads thus:

Determination of market value of land by Collector :-

(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely :-

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated, or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area, or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects.

I further find that, seven sale deeds have been exhibited in this case by the ld. counsel appearing on behalf of the petitioners. Calculation of average rate as per provision of Section 26 (b), Explanation 2 of the L.A.R.R. Act, 2013, submitted by the ld.

counsel for the petitioner, one half of the total number of sale-deeds in which the highest sale-price has been mentioned comes to Rs.1,57,183.00 per decimal agricultural land, but from perusal of the oral and documentary evidence on record it is not clear that how much distance between the acquired land of village Gandke and land of sale deeds of village Murramkala and Kankebar submitted by the petitioners. From the perusal of valuation chart mentioned in Ext.-B submitted by the opp. parties, it appears that there is no sale transaction from the year 2016 to 2019 of Mauza Gandke. It also appears that, the prescribed rate approved by the District Sub-Registrar, Ramgarh vide letter no. 598/Ni, dated 17.08.2019 for the financial years 2016-17, 2017-18 and 2018-19 in village Gandke under Jharkhand Stamp (Prevention of Undervaluation of Instruments) (Amendment) Rules 2018, as per the minimum price guideline register applicable from 01.11.2018 of the registry office before the date of notification 01.07.2019, the value of the agricultural land is Rs. 3740/- per decimal and the same has been paid to the petitioners. It is pertinent to mention here that, no any sale deed has been produced by the claimants/petitioners with regard to the sale deed executed for Mauza Gandke, rather he has filed a sale deed of Mauza Murramkala and Kankebar which does not show the nearest Mauza of the acquired land. The acquired land covered by CNT area. The state has well assessed the value of the land which already acquired in accordance with Sec. 26 (b) LARR Act 2013. The prayer of petitioners to assess the value of the land Rs.1,57,183.00 per decimal is not to be considered as it is to much high in compare to the government assessment. However, for the interest of justice, I come to the conclusion based on the facts remains in the present case, as well as, the settled law with regard to the guiding factors towards assessment of the valuation, Rs.11,000/- (eleven thousand) per decimal is assessed for giving compensation to the entire land situated in Mauza Gandke which has been acquired for Widening Strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road, related to the present case. Hence, all the petitioners are entitled to get compensation @ Rs.11,000/- per decimal and they are also entitled to get all statutory benefit provided under the provision of L.A.R.R. Act, 2013.

The payment of compensation with all benefits shall be made within three months from the date of the award.

Hence, the present L.R. Cases are disposed with partially allowing the compensation for acquired land of the petitioners.

Office is directed to prepare the Award accordingly.

Let a copy of this Award be sent to the Land Acquisition Officer, Ramgarh, for necessary information, action and immediate compliance for remittance of amounts."

10. The impugned judgment reveals that the learned court refused to take into consideration the sale-deeds exhibited by the appellants primarily on the ground that they were not the sale-deeds of Mouza Gandke, rather they were sale-deeds of mouza Murramkala and Kankebar which does not show nearest Mouza of the acquired land and that it was not clear as to how much distance is there between the acquired land of village Gandke and sale-deeds of villages Murramkala and Kankebar. The Court also refused to consider the calculation of the compensation as relied upon by the appellants by referring to section 26(b) of the Act of 2013 on the ground that the rate of compensation as claimed was Rs. 1,57,183/- per decimal which was much higher as compared to the government assessment. However, the compensation amount was enhanced to Rs. 11,000/- per decimal referring to interest of justice with further observation that the appellants would be also entitled to get all statutory benefits provided under the provisions of the Act of 2013. ***This court is of the considered view that the impugned judgement passed by the learned court is perverse on account of incomplete appreciation of materials on record and non-consideration of the sale value of the land covered by the sale deeds exhibited by the appellants for the purposes of coming to the market value of the acquired lands which were of near village when admittedly, no sale deed of the same mouza (village) was available for consideration, either by the learned court or by the district land acquisition officer who fixed the compensation at the circle rate relating to agricultural land. Even the evidences placed on record have not been properly appreciated. The impugned judgement is also contrary to manner of computation of compensation under the provisions of section 26 of the aforesaid Act of 2013.***

B. <u>Consideration of materials on record.</u>

11. The acquisition of land in the present case is admittedly governed by the provisions of the aforesaid Act of 2013 and the compensation

has to be determined under the aforesaid Act of 2013 in terms of section 26 of the Act. The sections relevant for the present case are sections 11, 26 and 27 of the Act of 2013.

12. The foundational facts are that the lands were acquired for Widening and Strengthening of Lalki Ghati to Marang Marcha (N.H. 23) Road and the notification under section 11 of the aforesaid Act of 2013 was issued on 01.07.2019. The District Land Acquisition Officer fixed the compensation at flat Rs.3,740/- per decimal, which was the circle rate of agricultural land relating to the acquired lands involved in these cases and by the impugned judgment, the compensation has been enhanced at flat rate to Rs. 11,000/- per decimal.

The lands involved in the present cases are situated in Mouza- Gandke, Thana No. 99, Revenue Thana Ramgarh, Anchal Ramgarh in the district of Ramgarh.

13. ***PW-1*** (Harakhnath Mahto) filed his examination-in-chief on affidavit stating that the Deputy Commissioner, Ramgarh has acquired the raiyati lands of the applicants for widening and strengthening of the road from Lalki Ghati to Marangmarcha N.H.-23. His land bearing Plot No.1182, Khata No.45, area 12 decimals alongwith other raiyats of Village- Gandke, P.S.- Ramgarh, District Ramgarh has been acquired for the project. They have been paid compensation @ Rs.3,740/- per decimal against the acquired lands, which is very less than the prevailing market price at that time and therefore, all the raiyats are dissatisfied and they have filed the case for enhancement of the compensation amount. The market value of their land at the time of acquisition was Rs.1,50,000/- per decimal approximately and therefore, they demand compensation @ Rs.150,000/- per decimal against their acquired lands. They have opposed the determination of compensation against their lands on the basis of categorization and they demand fixation of the compensation at a uniform rate for all the acquired lands, as all the lands in their village are of the same kind. ***All the villages i.e. Gandke, Kankebar, Budhakhukhra, Murramkala are situated adjacent to Ramgarh Town and all the villages come within Ramgarh block.*** He further stated that at the time of acquisition of their lands,

Plot No.1005, Khata No.150, area 14 decimals of Ramgarh has been acquired vide Land Acquisition Case No.3/2018-19 and compensation of Rs.80,69,712/- has been paid @ Rs.5,76,408/- per decimal. He further stated that their village is mainly inhabited by tribal and backward communities who come under CNT category and conditions have been prescribed for sale of the lands and therefore, there is no document for sale and purchase of lands. ***He further stated that Mouza-Kankebar and Mouza- Gandke are adjacent to each other and both the villages have the same kind of lands and the 4-Lane N.H.-33 Road for going to Ranchi has passed through both the villages and their village is situated in the south eastern border of Ramgarh Town. After formation of Ramgarh District in the year 2012, their village has developed very rapidly and Ramgarh Town is expanding towards their village.*** Radha Govind University has been established in their village as an extension of Ramgarh Town and DPS School, Ramgarh has also been established in their village. Radha Govind Law University, Nursing College, etc. have also been established. All the amenities of a town like road, electricity, water, hospital, high school, college, water supply, power plant etc. are available in their village. N.H.-33 4-Lane Road from Ramgarh to Ranchi has passed through their village. The headquarters of Ramgarh district is situated at a distance of 2 kilometers only from their village, Ramgarh Sub-Division Complex is situated at a distance of 2 kilometers and bus stand, market, etc. are situated at a distance of 2 to 3 kilometers. He claimed that the potential for development of his acquired land is very high. ***During cross-examination***, he admitted at Para-19 that the land of Gandke village acquired for road widening is his Khatiani land and the lands of other raiyats are also Khatiani land. He admitted at Para-21 that he does not have any knowledge about the government rate of sale and purchase of the lands of village Gandke in the year when the lands were acquired. He also admitted that most of the lands in his village comes under CNT, as his village is tribal dominated. He admitted at Para-25 that the purchase and sale of the lands of CNT Castes is done after the permission of the Deputy Commissioner of the concerned district and

therefore, purchase and sale of land is not taking place in his village. He also admitted at Para-26 that he has not produced any document in court regarding the rate of Rs.1.5 Lakh per decimal of land. He admitted at Para-27 & 28 that at the time of acquisition of the lands, the lands were classified into three kinds i.e. residential, commercial and tand and his land was classified as tand category by the government and compensation has been paid to him, whereas his land is of commercial category. At the time of acquisition, he had two shops built on his 12 decimals of land, but he has not received separate compensation for the structure. He admitted at Para-30 that he has not filed any document related to the shop in the Land Acquisition Department or in court. He had rented out the shops, one shop was a motorcycle garage and the other shop was a general store. The tenants of both shops had not filed any compensation applications before the Land Acquisition Department. He further admitted at Para-32 that while going from Ramgarh to Ranchi, the forest area of Lalki valley of Village-Gandke lies on the right side of the road. They travel by private vehicles from Gandke to Ramgarh and tempos, buses and taxis operate from there. They come from Ramgarh in 4-5 minutes in four-wheeler and the distance from Gandke to Ramgarh is 2 to 3 kilometers approximately. He further admitted at Para-34 that vide Land Acquisition Case No.3/2018-19, the lands have been acquired in Ramgarh and not in Gandke village. ***Kankebar village falls within the boundaries and is adjacent to Gandke village.*** He denied the suggestion that the acquired land is a remote village in Ramgarh district, where very few people live and the compensation paid by the government is appropriate. He also denied the suggestion that there was no shop situated on his land and only tand has been acquired and there was no structure on his land. He also denied the suggestion that the enhancement of compensation claimed by him is not correct.

14. ***PW-2*** (Yogendra Prasad Ganjhu) filed his examination-in-chief on affidavit stating that his raiyati land bearing Plot No.383, Khata No. 39, area 0.08 acres alongwith lands of other raiyats of Village- Gandke, P.S.- Ramgarh, District- Ramgarh has been acquired by the Deputy

Commissioner, Ramgarh for widening and strengthening of N.H.-23 Road already constructed from Lalki Ghati to Marangmarcha. He further stated that the market value of their lands at the time of acquisition was Rs.1,50,000/- per decimal approximately and therefore, they demand compensation against their acquired land @ Rs.1,50,000/- per decimal. They have been paid compensation @ Rs.3,740/- per decimal against the acquired lands, which is very less than the prevailing market price at that time and therefore, all the raiyats are dissatisfied and they have filed the case for enhancement of the compensation amount. He further stated that their village is mainly inhabited by tribal and backward communities who come under CNT category and conditions have been prescribed for sale of the lands and therefore, there is no document for purchase and sale of lands, which has been confirmed by the registration office of the government relating to sale and purchase. He further stated that at the time of acquisition of their lands, Plot No.1005, Khata No.150, area 14 decimals of Ramgarh has been acquired vide Land Acquisition Case No.3/2018-19 and compensation of Rs.80,69,712/- has been paid @ Rs.5,76,408/- per decimal. All the villages i.e. Gandke, Kankebar, Budhakhukhra and Murramkala are situated adjacent to Ramgarh Town and all the villages come within Ramgarh block. Mouza- Kankebar and Mouza- Gandke are adjacent villages and both the villages have the same kind of lands. The N.H.-33 4-Lane Road from Ramgarh to Ranchi has passed through both the villages. The boundary of Kankebar is recorded in the map of Mouza Gandke and the boundary of Gandke is recorded in the map of Mouza Kankebar and their village is situated adjacent to the southern eastern border of Ramgarh Town. After formation of Ramgarh district in the year 2012, their village has developed very rapidly and Ramgarh Town is expanding towards their village. Radha Govind University has been established in his Village- Gandke as an extension of Ramgarh Town. The DPS school has also been established in their village. Radha Govind Law University, Nursing College, etc. have been established in his village itself. All the amenities of a town like road, electricity, water, hospital, high school, college, water supply, power plant etc. are

available in their village. N.H.-33 4-Lane Road from Ramgarh to Ranchi has passed through their village. The headquarters of Ramgarh district is situated at a distance of 2 kilometers only from their village, Ramgarh Sub-Division Complex is situated at a distance of 2 kilometers and bus stand, market, etc. are situated at a distance of 2 to 3 kilometers and thus, their village is within the limits of Ramgarh Town. The potential for development of his acquired land is very high. ***During cross-examination***, he admitted at Para-17 & 18 that total 8 decimals of his land has been acquired and in addition, the lands of 57 raiyats have been acquired and all the raiyats have filed case for enhancement of the compensation amount and Gandke village comes within Dohakatu panchayat. He further admitted at Para-19 that his acquired land is ancestral land and it is a commercial land. All the lands on the side of the road are commercial lands. There are many fields, tand, etc. on the side of the road of Gandke village. His acquired land has some houses on it, but the land only has been acquired. He admitted at Para-22 & 23 that after acquisition of the lands, the government has paid the compensation, but the market value of their lands should be Rs.1,50,000/- per decimal, although no land has been sold at this rate in Gandke village. He admitted at Para-24 that they have not filed the documents related to the lands of Gandke village. He does not know the government rate of sale and purchase of the land in Gandke village sold in the year 2018-19. Road was already existing at the place where their lands have been acquired for widening of the road. Their village passes through Lalki Ghati and Lalki ghati is surrounded by forests. There are some bushes in the village, but there is no forest in the village. No tree was cut in Lalki Ghati forest during the road construction and the forest in his village was also not cut. He further admitted at Para-30 that they have received four times compensation than the determined amount. The lands were also acquired in villages like R.C.D. Road, Kankebar, Burhakhukhra, Murramkala, etc., but he cannot say whose land was acquired in the said villages. There is a road from Dulmi to their village. He also admitted that when they travel from Ramgarh on N.H.-33, their village is on the left and when they turn left, they find Lalki Ghati

wherein government road has been constructed, but the said road has no connection with N.H.-33. Lalki Ghati comes under Gandke Mouza. They travel to Ramgarh market by tempo, bus or taxi and it takes about 5 minutes. Their Gandke village is a village of about 400 houses. DPS School has been established in their village, but it is closed at present. Radha Govind University is a private university owned by B.N. Shah. Their source of income is farming and they grow vegetables and they irrigate from their wells. Gandke village is a tribal and backward caste village, but it is not very far from the road. He denied the suggestion that there was no road constructed in the village earlier. He also denied the suggestion that they were given proper compensation by the government and their claim in not correct.

15. The applicants / awardees / appellants exhibited the following documents:

Exhibits	Sale Deed No.	Date of Sale Deed	Name of Village	Total land	Sale Amount in (Rs.)	Rate Per Decimal in (Rs.)
Ext-1	Sale Deed No.831/804	30.04.2016	Kankebar	4½ decimals	10,00,000	2,22,222
Ext-1/1	Sale Deed No.938/918	14.07.2017	Kankebar	6¼ decimals	6,20,625	99,300
Ext-1/2	Sale Deed No.1979/1931	26.11.2018	Murramkala	13¾	31,63,000	2,30,036
Ext-1/3	Sale Deed No.1378	17.11.2017	Murramkala	24 decimals	51,00,000	2,12,500
Ext-1/4	Sale Deed No.2084	31.12.2018	Murramkala	13 decimals	30,00,000	2,30,769
Ext-1/5	Sale Deed No.1599/1562	23.10.2019	Kankebar	14 decimals	38,00,000	2,71,429
Ext-1/6	Sale Deed No.122	28.01.2019	Murramkala	7½ decimals	29,70,000	3,96,000
Mark-X	Village Map		Village Kankebar			
Mark-X/1	Village Map		Village Gandke			

16. The opposite parties/respondents examined only one witness namely, Deepak Kumar as ***DW-1.*** He filed his examination-in-chief on affidavit stating that he is presently posted as a Junior Engineer in the Road Construction Department, Ramgarh office and he has been authorized to testify in the case. He further stated that the land-in-question has been acquired by the Land Acquisition Department, Ramgarh for widening and strengthening of Lalki Ghati to Marangmarcha Road. The disputed land has been acquired for widening and strengthening the already constructed road in village Gandke, in which the work of labelling and soil filling has been done. There is no basic facility in village Gandke. He further stated that the compensation amount determined by the Collector is based on the prevailing market rate and is legally appropriate and correct. The compensation was awarded on the basis of the nature of the land. The acquired land is not a developed area and the government will have to spend a lot to widen the road. The land has been acquired for public purpose, the benefits of which are also being availed by the raiyats after the construction of the road. The claim of the applicants for enhancement of compensation is baseless. He denied the suggestion that Village Gandke is a developed village. ***During cross-examination***, he admitted that he has been orally deputed by his office to testify in court. He admitted at Para-13 that he does not know either of the parties. He further admitted that he has come to court to testify in a case related to village Gandke. He is a junior engineer and he was posted in Chatra in 2018-19. He has visited village Gandke. The Lalki Valley is located in Gandke Mouza, which is adjacent to Ramgarh, but 8 kms away. ***He further admitted at Para-16 that the villages Gandke and Kankebar are adjacent villages.*** He also admitted at Para-17 that he is not aware of the amount of compensation given to the raiyats by the government. He further stated at Para-18 & 19 that the road from Lalki Ghati to Marangarcha is a black paved rural road and N.H.-33 Road has passed through Lalki Valley. Radha Govind College is located in Gandke village and there is high school and electricity also. ***He admitted at Para-21 that to the best of his knowledge, the minimum rate of sale and purchase of land in the area***

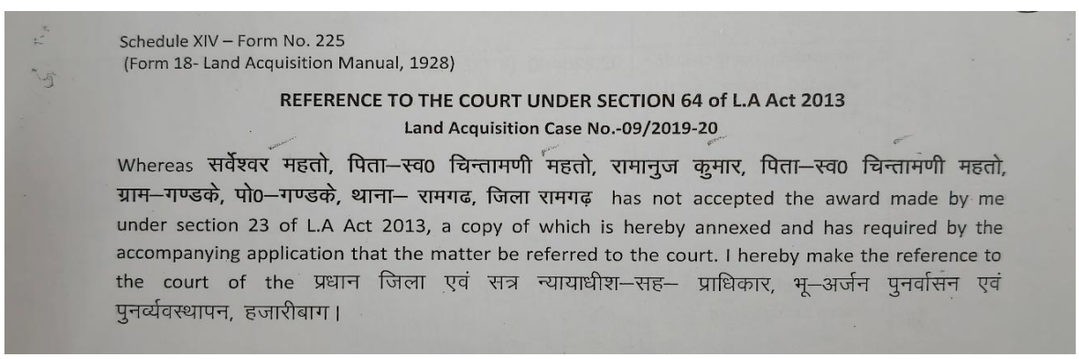
around Ramgarh would be around one lakh to two lakh rupees per decimal. He admitted at Para-22 that he does not know much about the case.

17. The opposite parties / respondents exhibited the following documents:

Exhibit-A	Attested copy of Notification No.407/LA dated 01.07.2019 issued Section 11(1) of the Act, 2013
Exhibit-B	Attested copy of Declaration No.109/LA dated 18.02.2020 issued under Section 19(1) of the Act, 2013
Exhibit-C	Attested copy of map

18. ***So far as the objection in connection with maintainability of the reference cases before the learned court is concerned,*** the learned counsel for the State through the written notes of arguments, has pressed a point that the claimants had received the compensation amount without any protest and objection and he has stated that this submission of the State has been recorded in paragraph 4 of the impugned judgment also but not considered.

19. This Court finds that the reference in each of the cases was made by the District Land Acquisition Officer vide order(s) dated 11.04.2022 which are available on record. There were several reference cases of similar nature and the orders of reference reveal that the claimant refused to accept the awarded amount and hence reference was being made. The portion of the order of one such reference relevant for the point is embossed as under:



Schedule XIV – Form No. 225
(Form 18- Land Acquisition Manual, 1928)

REFERENCE TO THE COURT UNDER SECTION 64 of L.A Act 2013

Land Acquisition Case No.-09/2019-20

Whereas सर्वेश्वर महतो, पिता–स्व0 चिन्तामणी महतो, रामानुज कुमार, पिता–स्व0 चिन्तामणी महतो, ग्राम–गण्डके, पो0–गण्डके, थाना– रामगढ, जिला रामगढ़ has not accepted the award made by me under section 23 of L.A Act 2013, a copy of which is hereby annexed and has required by the accompanying application that the matter be referred to the court. I hereby make the reference to the court of the प्रधान जिला एवं सत्र न्यायाधीश–सह– प्राधिकार, भू–अर्जन पुनर्वासन एवं पुनर्व्यवस्थापन, हजारीबाग।

20. This Court finds that the claimants were served with notice under section 37(2) of the Act of 2013 wherein they were asked to accept the compensation amount and immediately upon notice, they filed their

objection annexing the copy of the notice. The aforesaid facts very well demonstrate that the claimants have filed their objection immediately upon receipt of notice asking them to accept the awarded amount and claimed compensation at enhanced rate which led the concerned District Land Acquisition Officer to make reference to the Court under section 64 of the Act of 2013 by recording that the claimants have not accepted the awarded amount.

21. ***Thus, the objection of the learned counsel for the State that the claimants had accepted the compensation amount without any protest is hereby rejected.***

22. ***So far as the arguments of the respondents that each and every claimant has not come forward to give evidence is concerned, the same is also of no consequence.*** The P.W. 1 and 2 have stated that they were deposing on behalf of all the claimants and all the cases were tagged together and one evidence was treated to be the evidence for all the cases. Even the State has not given separate evidence in separate cases. Further, the lands of the same village were acquired simultaneously by one notification and all the lands were adjoining the existing national highway and same rate of compensation was awarded with respect to all the lands by the land acquisition officer also. The P.W-1 and P.W-2 were the persons whose lands were also acquired by the same notification and they were thoroughly cross examined.

23. The P.W-1 has clearly stated that his *raiyati* lands along with the land of other applicants were acquired for widening and strengthening of the National Highway no. 23 all in Village- Gandke, P.S.- Ramgarh, District Ramgarh and have been paid compensation @ Rs.3,740/- per decimal which is very less than the prevailing market price at that time. The market value of their land at the time of acquisition was Rs.1,50,000/- per decimal. ***He has stated that all the villages i.e. Gandke, Kankebar, Budhakhukhra, Murramkala are situated adjacent to Ramgarh Town and all the villages come within Ramgarh block.*** He has stated that their village is mainly inhabited by tribal and backward communities who come under CNT category and conditions have been prescribed for sale of the lands and therefore, there is no

document for sale and purchase of lands. He has also stated that their village is situated in the south eastern border of Ramgarh Town and after formation of Ramgarh District in the year 2012, their village has developed very rapidly and Ramgarh Town is expanding towards their village. Radha Govind University has been established in their village as an extension of Ramgarh Town and DPS School, Ramgarh has also been established in their village. Radha Govind Law University, Nursing College, etc. have also been established. All the amenities of a town like road, electricity, water, hospital, high school, college, water supply, power plant etc. are available in their village. N.H.-33, 4-Lane Road from Ramgarh to Ranchi has passed through their village. The headquarters of Ramgarh district is situated at a distance of 2 kilometers only from their village, Ramgarh Sub-Division Complex is situated at a distance of 2 kilometers and bus stand, market, etc. are situated at a distance of 2 to 3 kilometers. He claimed that the potential for development of his acquired land is very high. ***During cross-examination***, he stated that he has not produced any document in court regarding the rate of Rs.1.5 Lakh per decimal of land. They travel by private vehicles from Gandke to Ramgarh and tempos, buses and taxis operate from there. They come from Ramgarh in 4-5 minutes in four-wheeler and the distance from Gandke to Ramgarh is 2 to 3 kilometers approximately. ***He also stated during cross examination that Kankebar village falls within the boundaries and is adjacent to Gandke village.*** He denied the suggestion that the acquired land is a remote village in Ramgarh district, where very few people live and the compensation paid by the government is appropriate. ***P.W-2,*** whose land has also been acquired by the same acquisition process also deposed and was cross examined on the same lines. The evidence of P.W-2 is consistent with the evidence of the P.W-1. So far as the opposite party is concerned, the sole witness examined as D.W-1 admitted at Para-16 that the villages Gandke and Kankebar are adjacent villages. He also stated that to the best of his knowledge, the minimum rate of sale and purchase of land in the area around Ramgarh would be around one lakh to two lakh rupees per decimal.

24. The records also reveal that the maps of village Gandke and village Kankebar were produced by the appellants which were marked X/1 and X respectively for identification. The respondents also produced one map but the same does not reveal the boundary of the village Gandke and the respondents have not even referred to the map (exhibit-C) for any purpose during the course of hearing as it is an admitted fact that the acquired properties are adjacent to the National Highway No. 23 as the lands were admittedly acquired for widening of the existing national highway.

25. The oral evidence of the appellants and the respondents reveal that it remained an undisputed fact that the villages Gandke and Kankebar are adjacent villages. However, with respect to village Budhakhukhra and Murramkala *vis-à-vis* village Gandke it has only been stated by the witnesses of the appellants that all the villages i.e., Gandke, Kankebar, Budhakhukhra and Murramkala are situated adjacent to Ramgarh Town and all the villages come within Ramgarh block**.** It has not been stated that village Gandke has common boundary either with Budhakhukhra or with Murramkala. Even in cross examination, no such statement has been made.

Thus, on the basis of oral evidences placed on record, the appellants have not proved that village Gandke is adjacent or has common boundary with village Murramkala and what has been proved is that village Gandke has common boundary with village Kankebar. The maps produced by the appellants, though marked X and X/1 for identification also are not clear to come to a conclusion that village Murramkala is adjoining to village Gandke or share common boundary. However, the map of village Gandke reveals that Kankebar and Gandke have long common boundary. This is over and above the fact that the respondents have argued that the maps produced by the appellants were not proved and no reliance can be placed on such maps marked X and X/1. However, irrespective of the maps the appellants have proved that Kankebar and Gandke have common boundary and are nearest villages to each other. The arguments of the appellants that village Gandke is having common boundary with village Murramkala is rejected but the

arguments of the appellants that village Gandke has common boundary with Kankebar is accepted. These aspects of the matter have not been considered by the learned court and the learned court has erroneously come to its conclusion that the evidences do not show that Kankebar was the nearest Mouza of the acquired land.

26. The appellants have exhibited sale deeds of both Kankebar and Murramkala. However, in view of the aforesaid findings and in view of section 26 of the Act of 2013, the sale deeds of village Murramkala cannot be taken into consideration to arrive at the market value of the acquired land. This would be clear from the following discussions.

27. In connection with the mode and manner of computation of market value of the acquired lands, it would be relevant to refer to section 26 of the aforesaid Act of 2013 wherein three modes for determination of compensation have been provided which are –

a) Circle rate; or

b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

c) consented amount of compensation as agreed upon.

whichever is higher.

For the purpose of determination of compensation in terms of Section 26 of the aforesaid Act of 2013, three modes, as explained above, under Section 26(1)(a), 26 (1)(b) and 26(1)(c) have been prescribed and whichever is of higher value amongst them, is to be taken into consideration**.**

As per ***explanation 1*** to section 26 of the Act of 2013, the average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreement of sale registered for similar type of area in the nearby village or near vicinity area during immediately preceding three years.

As per ***explanation 2***, for determining the average sale price referred to in explanation 1, half of the total number of sale deeds

or the agreements of sale, in which highest sale price has been mentioned, shall be taken into account.

28. It is important to note that having found that there was no sale deed of the concerned village for fixing the rate of compensation of the acquired land, the District Land Acquisition Officer, Ramgarh has not made any endeavour to find out the market rate of land with respect to nearest adjoining village in spite of having recorded that no sale-deed of land in village Gandke were available from the registry office for the period from 2016 to 2019. In view of the provisions of section 26(1) (b) of the Act of 2013, the collector is under a legal obligation to find out the market rate of the land of similar type relating to the nearest village, particularly when no sale deed is available with respect to the village concerned and then compare it with the circle rate, that is, the market value of the area as specified under the Indian Stamp Act for registration of sale deeds/ agreements and grant compensation on the amount whichever is higher amongst the exercise undertaken under section 26(1)(a) and 26(1) (b) . This court is not concerned with the section 26(1) (c) which deals with the agreed compensation under certain circumstances. This court is of the considered view that there is a need to exercise the process under section 26(1) (a) and also 26(1) (b) to arrive at fair compensation based on market value of the acquired property. This exercise having not been done by the Land Acquisition officer, the claimants had no option but to raise objection to the offered amount of compensation and seek reference and produce the sale deeds available with them with respect to other villages, including adjoining village, as admittedly, no sale deed was available with respect to the village concerned.

C. <u>Computation of rate of compensation of the acquired land</u>

29. Apart from the aforesaid, it is also required to be seen as to which of the sale deeds, amongst the sale deeds exhibited by the appellants, fall within the relevant period i.e. 3 years prior to the notification dated 01.07.2019 issued under section 11 of the aforesaid Act of 2013 i.e., the period between ***01.07.2016 to 30.06.2019*** to be eligible for consideration for the purpose of taking average rate of ½ of such

eligible sale deeds. The competent authority had fixed compensation at flat rate for the acquired land falling in village Gandke taking all the lands as agricultural land. The learned court has enhanced the compensation at flat rate irrespective of classification of land. The grievance of the appellants is that enhancement at flat rate by the learned court ought to have been much higher and for that, sale deeds of Kankebar and Murramkala have been produced and admittedly, neither the District Land Acquisition Officer nor the appellants nor the respondents could cite any sale deed from the village Gandke.

30. The 7 sale deeds exhibited by the appellants reveal that they are either from village Kankebar or from village Murramkala and some of them are falling within the period of 3 years prior to the date of notification issued under section 11 of the aforesaid Act of 2013.

The national highway is crossing the village Gandke and as held above, the appellants proved that village Kankebar is the adjoining village of village Gandke and is apparently the nearest village to the acquired land considering the materials placed on record and consequently only the sale deeds relating to village Kankebar are to be considered when seen in the light of section 26 of the Act of 2013 and the sale deeds relating to village Murramkala cannot be taken into consideration for computing the market rate of the acquired lands. Further, the sale deeds pertaining to the period of 3 years i.e., from 01.07.2016 to 30.06.2019, that is, the period of 3 years prior to date of notification under section 11(1) are to be taken into consideration.

31. In view of the materials placed on record, the market value to find the compensation of the acquired land is computed in the following manner:

Exhibits	Sale Deed No.	Date of Sale Deed	Name of Village	Total land	Sale Amount in (Rs.)	Rate Per Decimal in (Rs.)
Ext-1	Sale Deed No.831/804	30.04.2016	Kankebar	4½ decimals	10,00,000	2,22,222

Ext-1/1	Sale Deed No.938/918	14.07.2017	Kankebar	6¼ decimals	6,20,625	99,300
Ext-1/2	Sale Deed No.1979/1931	26.11.2018	Murramkala	13¾	31,63,000	2,30,036
Ext-1/3	Sale Deed No.1378	17.11.2017	Murramkala	24 decimals	51,00,000	2,12,500
Ext-1/4	Sale Deed No.2084	31.12.2018	Murramkala	13 decimals	30,00,000	2,30,769
Ext-1/5	Sale Deed No.1599/1562	23.10.2019	Kankebar	14 decimals	38,00,000	2,71,429
Ext-1/6	Sale Deed No.122	28.01.2019	Murramkala	7½ decimals	29,70,000	3,96,000

32. Out of the aforesaid sale-deeds, only Exhibit-1/1 falls within the zone of consideration as other sale deeds are either beyond the period of 3 years prior to issuance of notification under section 11 (1) of the Act of 2013 , that is beyond , 01.07.2016 to 30.06.2019 or of the village Murramkala, which as held above, could not be proved by the appellants to be the nearest/adjoining village to the village Gandke whose properties were acquired. Admittedly, there is no sale deed of village Gandke.

33. The average sale-price per decimal for the acquired lands by considering exhibit- 1/1 would come to ***Rs. 99,300/-*** as exhibit- 1/1 is the only sale deed fit for consideration.

34. Now the nature and location of the land is also required to be compared. As per exhibit-1/1 the land sold is 6 and ¼ decimals and the same is a vacant land and shown as residential and it does not reveal that there is any road on the boundary. The exhibit- B reveals that the acquired lands are also of a few decimals only for each claimant and the land of each claimant was having road mostly on three sides and a few

have road on two sides. Definitely one adjoining side of the acquired lands is national highway as the lands have been acquired for widening of national highway. The lands acquired in the present cases have huge locational advantage which is not available with the land of exhibit- 1/1. Further, there is consistent evidence of move towards urbanization and on a tempo or other vehicle the time taken to reach Ramgarh Town is four to five minutes as stated by the two witnesses of the appellants.

35. It is also important to note that the learned court has enhanced the compensation at flat rate of Rs. 11,000/- per decimal and found the compensation fixed by the District Land Acquisition Officer at circle rate of agricultural land not acceptable, but no deliberations have been made with respect to the exhibited sale deeds. It is important to note that the respondents have neither filed any cross appeal nor filed any cross objection to the appeals filed by the appellants and thus, are not aggrieved by compensation fixed at flat rate of Rs.11,000/- per decimal and this is irrespective of the nature of the acquired lands.

36. Considering the totality of circumstances as discussed above and upon due consideration of the materials on record, this court, while answering the core point of determination, holds that the judgment and award passed by the learned court of the Principal District Judge -cum- L.A.R.R.A., Hazaribag is not in conformity with the provisions of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the learned Court has omitted to properly consider the materials on record while enhancing the compensation to flat rate of Rs. 11,000/- only per decimal from Rs. 3740/- per decimal by citing interest of justice although the records reveal that cogent materials were produced seeking enhancement of compensation to much more.

37. ***In view of the aforesaid discussions, the compensation is enhanced to flat rate of Rs. 99,300/- per decimal.***

38. The appeals filed by the claimants are ***allowed*** by enhancing the rate of compensation with respect to the acquired lands from flat rate of Rs. 11,000/- per decimal to flat rate of ***Rs. 99,300/- per decimal***. The claimants would be entitled to all statutory benefits provided under the

provisions of the aforesaid Act of 2013 as granted in the impugned judgment and awards at the enhanced rate of compensation with respect to the acquired lands in connection with which there is no dispute.

39. Office to prepare decree.

40. Pending interlocutory application, if any, is closed.

41. Let this Judgment be communicated to the concerned court through “Fax/E-mail”.

(Anubha Rawat Choudhary, J.)

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