

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA  
ON THE 21<sup>st</sup> OF MARCH, 2023**

**FIRST APPEAL No. 181 of 2018**

**BETWEEN:-**

**THE STATE OF MADHYA PRADESH  
THROUGH LAND ACQUISITION  
OFFICER, BARGI DIVERSION  
PROJECT JHINJHARI, DISTT.  
KATNI (MADHYA PRADESH)**

**.....APPELLANT**

**(BY SHRI DEVESH JAIN – GOVERNMENT ADVOCATE )**

**AND**

- 1. MRS. VANDNA JAIN W/O  
SUBODH JAIN RESIDENT OF  
SHIVDHAMSTREAT,  
VALLABHDAS AGRAWAL  
WARD, STATION ROAD,  
TEHSIL- KATNI, DISTRICT  
KATNI (MADHYA PRADESH)**
- 2. DASHODA BAI W/O JUGGU R/O  
VILLAGE JAMODI, DISTRICT  
KATNI (MADHYA PRADESH)**
- 3. AMLA BAI W/O KAMLESH R/O  
VILLAGE JAMODI, DISTRICT  
KATNI (MADHYA PRADESH)**
- 4. SOMVATI W/O CHUNUVADA  
R/O VILLAGE JAMODI,  
DISTRICT KATNI (MADHYA  
PRADESH)**
- 5. BHAGWAN DAS S/O  
MUNNILAL R/O VILLAGE  
JAMOUDI, DISTT. KATNI  
(MADHYA PRADESH)**
- 6. DASHODA BAI D/O MUNNILAL  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)**
- 7. RANI BAI D/O MUNNILAL R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)**

8. **BHANVATI W/O MUNNILAL  
VILLAGE DWARA DISTT.  
KATNI AND REMAINING ALL  
RES. VILLAGE JAMOUDI  
(MADHYA PRADESH)**  
*[DELETED AS PER COURT  
ORDERS DATED 27/08/2020 &  
10/09/2020]*

9. **SANTOSH S/O GHISAL R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)**

10. **LAKHANLAL S/O GHISAL R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)**  
*[DELETED AS PER COURT  
ORDERS DATED 27/08/2020 &  
10/09/2020]*

11. **GULAB S/O MURARI (DEAD)  
THROUGH LRS.**

**11-A JAGDISH S/O LATE SHRI  
GULAB R/O VILLAGE  
DWARA, DISTT. KATNI  
(MADHYA PRADESH)**

**11-B VINOD S/O LATE SHRI  
GULAB R/O VILLAGE  
DWARA, DISTT. KATNI  
(MADHYA PRADESH)**  
*[AMENDMENT AS PER COURT  
ORDER DATED 10/09/2020]*

12. **LALLIBAI W/O MURARI R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)**  
*[DELETED AS PER COURT  
ORDER DATED 10/09/2020]*

13. **BHANU S/O BALLU R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)**

14. **BIHARI S/O BADDA (DEAD)  
THROUGH LRS.**

**14-A BHAGWAT YADAV S/O  
BIHARI R/O VILLAGE DWARA  
DISTT. KATNI (MADHYA  
PRADESH)**

**14-B LALLU YADAV S/O  
BIHARI R/O VILLAGE DWARA**

**DISTT. KATNI (MADHYA PRADESH)**

**14-C SAMPAT BAI WD/O LATE SHRI BIHARI R/O VILLAGE DWARA DISTT. KATNI (MADHYA PRADESH)**

*[AMENDMENT AS PER COURT ORDER DATED 10/09/2020]*

15. **MAHTA S/O MASANI R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
16. **PHAISARA BALI W/O MASALI R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
17. **RAVINDRA S/O KISHANLAL R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
18. **LALIT S/O KISHANLAL R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
19. **HEMANT S/O KISHANLAL R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
20. **SUSHIL KUMAR S/O SOHANLAL R/O VILLAGE JAMOUDI, DISTT. KATNI (MADHYA PRADESH)**
21. **RAM KRISHNA S/O BHAROSELAL (DEAD) THROUGH LRS:-**

**21-A PRADEEP KUMAR S/O LATE SHRI RAM KRISHNA R/O VILLAGE DWARA, DISTRICT KATNI**

**21-B ANUP KUMAR S/O LATE SHRI RAM KRISHNA R/O VILLAGE DWARA, DISTRICT KATNI**

**21-C SANDEEP KUMAR S/O LATE SHRI RAM KRISHNA R/O VILLAGE DWARA, DISTRICT KATNI**

21-D SMT. MEENA BAI Wd/O  
LATE SHRI RAM KRISHNA  
R/O VILLAGE DWARA,  
DISTRICT KATNI  
*[AMENDMENT AS PER COURT  
ORDER DATED 10/09/2020]*

22. SEWAK RAM S/O HARIYA R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)
23. MADHUKIYA BAI D/O  
HARIYA R/O VILLAGE  
JAMOUDI, DISTT. KATNI  
(MADHYA PRADESH)
24. LACHCHHO BAI D/O HARIYA  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)
25. SUKHIYA BAI D/O HARIYA  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)
26. RAJESH S/O DAYA RAM R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)
27. MEMBAI D/O DAYA RAM R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)  
*[DELETED AS PER COURT  
ORDER DATED 10/09/2020]*
28. BEBIBAI D/O DAYA RAM R/O  
VILLAGE JAMOUDI, DISTT.  
KATNI (MADHYA PRADESH)
29. MANJOBAI D/O DAYA RAM  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)
30. SUMIYABAI D/O DAYA RAM  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)
31. KALAWATI D/O DAYA RAM  
R/O VILLAGE JAMOUDI,  
DISTT. KATNI (MADHYA  
PRADESH)
32. BHULLOBAI W/O DAYA RAM  
R/O VILLAGE JAMOUDI,

**DISTT. KATNI (MADHYA PRADESH)**

- 33. BASORI S/O SAMBHOLI (DEAD)**

*[DELETED AS PER ORDER OF AR(J) DATED 24/01/2018]*

- 34. BATTI S/O SAMBHOLI (DEAD)**

*[DELETED AS PER ORDER OF AR(J) DATED 24/01/2018]*

- 35. DHEERAJ S/O PHATAIYA (DEAD)**

*[DELETED AS PER ORDER OF AR(J) DATED 24/01/2018]*

- 36. CHHOTA S/O PHATAIYA (DEAD)**

*[DELETED AS PER ORDER OF AR(J) DATED 24/01/2018]*

- 37. RASOILAL S/O LATE DHEERAJYADAV, AGED ABOUT 50 YEARS, R/O VILLAGE JAMOUDI, DISTRICT KATNI (MADHYA PRADESH)**

- 38. MANSUKH YADAV S/O LATE BASORI, AGED ABOUT 30 YEARS, R/O VILLAGE JAMOUDI, DISTRICT KATNI (MADHYA PRADESH)**

- 39. JAGAN S/O KALURAM (DEAD) THROUGH LRS:-**

**39-A AYODHYA S/O LATE SHRI JAGAN R/O VILLAGE DWARA, DISTRICT KATNI**

**39-B RAJ KUMAR S/O LATE SHRI JAGAN R/O VILLAGE DWARA, DISTRICT KATNI**

**39-C MAHENDRA S/O LATE SHRI JAGAN R/O VILLAGE DWARA, DISTRICT KATNI**

*[AMENDMENT AS PER COURT ORDER DATED 10/09/2020]*

- 40. KALLU S/O SATIYA R/O VILLAGE JAMOUDI, DISTRICT KATNI (MADHYA PRADESH)**

41. GOKUL PRASAD S/O PHAGOO  
R/O VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
42. SARITA D/O PHAGOO R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
43. GULKIYA W/O PHAGOO R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
44. KESHARBAI D/O GAYA R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
45. KELSHIYABAI D/O  
NANDILLAL R/O VILLAGE  
JAMOUDI, DISTRICT KATNI  
(MADHYA PRADESH)  
*[DELETED AS PER COURT  
ORDERS DATED 27/08/2020 &  
10/09/2020]*
46. CHETA S/O SATAIYA R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
47. KALUVA S/O SATAIYA R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
48. SUKVARIYA BAI W/O  
GHURRA R/O VILLAGE  
JAMOUDI, DISTRICT KATNI  
(MADHYA PRADESH)
49. CHHIDIYA BAI D/O LUKHRA  
R/O VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)  
*[DELETED AS PER COURT  
ORDERS DATED 27/08/2020 &  
10/09/2020]*
50. CHHUTTI D/O LUKHRA R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
51. SUNITA BAI D/O RAJJU R/O

- VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
52. UMESH S/O RAJJU R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
53. ROSHNI D/O RAJJU R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
54. LACHCHHO BAI W/O RAJJU  
R/O VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
55. RAJU S/O MANGI R/O  
VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)
56. DHEERAJ S/O KALIYA (DEAD)  
R/O VILLAGE JAMOUDI,  
DISTRICT KATNI (MADHYA  
PRADESH)  
*[DELETED AS PER ORDER OF  
AR(J) DATED 24/01/2018]*
57. RASOI LAL S/O DHEERAJ  
YADAV, AGED ABOUT 50  
YEARS, R/O VILLAGE DWARA  
DISTT. KATNI (MADHYA  
PRADESH)

**.....RESPONDENTS**

***(RESPONDENTS NO.2 TO 15 & 21 TO 57 BY SHRI YAGYAVALK  
SHUKLA - ADVOCATE )***

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*This appeal coming on for order this day, the court passed the  
following:*

**JUDGMENT**

This First Appeal under Section 54 of the Land Acquisition Act has been filed against the Award dated 04/09/2017 passed by First Additional Judge to the Court of First Additional District Judge, Katni (M.P.) in M.J.C. (Land Acquisition) Case No.1300011/2009, by which

the compensation awarded by the Land Acquisition Officer has been enhanced on the basis of the Collector guideline prevailing on the date of notification.

2. The facts necessary for disposal of present appeal in short are that the lands of the respondents were acquired for Rani Avantibai Sagar Project Narmada Ghati Development Corporation and accordingly, the award dated 16/02/2009 was passed by the LAO.

3. Being aggrieved by the said award, the respondents preferred an application for reference. The reference Court by the impugned Award has enhanced the compensation amount on the basis of the Collector guideline which was prevailing in the year 2008-09.

4. Challenging the Award passed by the reference Court, it is submitted by the counsel for the appellant that the Collector guideline cannot be taken as a guiding factor for adjudicating the market value of the land. It is submitted that in fact the LAO had taken out the average value of the land and therefore, the same should not have been disturbed.

5. *Per contra*, the counsel for the respondents has relied upon the judgment passed by the Division Bench of this Court in the case of **The State of M.P. Vs. Surya Kumar** reported in **2010 (2) M.P.H.T. 68** and submitted that the guideline issued by the Collector for laying down the market value for the purposes of collection of stamp duty can be a guiding factor and accordingly, the Collector guideline has been rightly taken into consideration.

6. Heard the learned counsel for the parties.

7. The Supreme Court in the case of **Lal Chand Vs. Union of**

**India & Anr.** reported in **AIR 2010 SC 170** has held that the Collector guideline is a relevant piece of evidence for ascertaining the market value. However, it has been held that the said guideline can be a relevant evidence only if they are assessed by statutorily appointed Expert Committees, in accordance with prescribed assessment procedure.

8. The counsel for the appellant could not challenge the Collector guideline relied upon by the Court and it is not the case of the appellant that the Collector had issued the guideline for collection of stamp duty without following the due procedure of law.

9. The Division Bench of this Court in the case of **Surya Kumar (supra)**, has held as under:-

“So far as first contention of the appellant that the Reference Court ought not to have affixed the market value as per the order of Collector dated 31-3-2005 is concerned, we considered the contention of appellant and found that the aforesaid guidelines in respect of minimum market value was issued by the Collector under the provisions of M.P. Preparation and Revision of Market Value Guideline Rules, 2000 (hereinafter referred to as 'Rules' for short). From the perusal of aforesaid rules it is apparent that under Rule 4 there is provision for constitution of District Valuation Committee who shall prepare the market value guidelines as per the procedure prescribed under Rule 6. The aforesaid market value is to be affixed as per the provisions envisaged under Section 47-A of the Indian Stamp Act and these rules have been framed under Section 75 of the Indian Stamp Act, 1899. When the State Government on one hand is affixing minimum market value and they charge stamp duty on a document as per the guidelines issued by the Collector, then the State Government

cannot deprive its liability for the payment of compensation if the land owner based his claim on the basis of aforesaid guidelines. The aforesaid guidelines were framed as per the Rules of 2000 and if the Reference Court relying on the guidelines assessed the compensation, no fault is found. The Collector being an Authorised Officer of the State has fixed the aforesaid minimum market value and the State is estopped from assailing the impugned award on the ground that the valuation fixed by the Collector as per Annexure P-3 was not correct.”

10. Thus, it is clear that the Court can consider the Collector guideline prevailing at the relevant time of issuance of final notification, as a guiding factor for ascertaining the market value of the land which was acquired.

11. The counsel for the appellant could not point out any perversity in the reasoning assigned by the reference Court.

12. Accordingly, no case is made out warranting interference in the matter.

13. As a consequence thereof, the Award dated 04/09/2017 passed by First Additional Judge to the Court of First Additional District Judge, Katni (M.P.) in M.J.C. (Land Acquisition) Case No.1300011/2009, is hereby **affirmed**.

14. No order as to cost.

**(G.S. AHLUWALIA)**  
**JUDGE**

shubhankar