

22



151/1900

22
(CIVIL)
(CRIMINAL)

HIGH

200



COURT

FA

DEPARTMENT

(22)

BRANCH

Collection No. _____

File No. _____

SUBJECT

Original Decree.
NO - 151 / 1900.

Madhusadan Dass. Appellant
Vrs

The Collector of Cuttack.

REFERENCE TO PREVIOUS CORRESPONDENCE

REFERENCE TO SUBSEQUENT CORRESPONDENCE

Date of disposal . 20. 12. 1901.

Entire file xeroxed on 30. 4. 05.

In the High Court of Judicature at Patna.

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Appeal No. 157 of 191900.

Madhu Sudan Dass.

Appellant

versus

The Collectors of Cuttack.

Respondent

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In the High Court of Judicature at Patna.

(Civil Appellate Side.)

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PART I.

(THIS FILE MUST BE PRESERVED FOR EVER.)

APPEAL FROM Original Decree

No. 151 of 191900.

Madhu Sudan Goss

Appellants.

versus

The Collector of Cuttack.

Respondents.

DATE OF DECISION OF HIGH COURT

20/12/1901

DITTO OF PRIVY COUNCIL

151/1900-1A

(APPELLATE CIVIL JURISDICTION.)

APPEAL FROM ORIGINAL DECREE No. 151 OF 1891/1900

Appeal preferred on the 25th of May 1900

1891, against the decree of Babur Beharry Lal
Mullik Subordinate

Judge of Zillah Lcutlak dated the
26th of February 1900+89.

Madhusudan Das

Claimant

Appellant

versus

The Collector of Lcutlak.

Opposite Party.

Respondent

Upon the hearing of this Appeal in a Division Court before

The Hon'ble Sir Francis William Maclean K.B. 28,
and Chief Justice

The Hon'ble Govindan Banerji

One of the Judges of this Court,

on the 20th day of December 1901,

—It is ORDERED and ~~DECIDED~~ that the decree of the lower Court be set aside and the case remanded to that Court to be dealt with in accordance with the directions contained in the judgment of this Court in this appeal, a copy whereof is herewith annexed.

Dated this 20th day of December in the year of our Lord one thousand and nine hundred and two.

5/10/01
P. Banerji
for Banerji
N. S. Banerji

Francis W. Maclean
Francis W. Maclean

141
 28-8-10
 Madhusudan Das



1900
 101
 Add no 157/1900
 by Madhusudan Das

IN THE HIGH COURT OF JUDICATURE AT
 FORT WILLIAM IN BENGAL.
 (Civil Appellate Jurisdiction.)

MEMORANDUM OF APPEAL FROM Original DECREE.

Suit Valued at Rs.

Appeal Valued at Rs. 40/-

Madhusudan Das Appellant

Value 25-5-00

Tamm.

The Collector of Bhatnag Respondent

Burdwan
 46.



Appellant being
 dissatisfied with the Judgment and Decree of the Subordinate Judge of
 Bhatnag, dated the 26th of Feb., 1900,
 those of the Munsiff of
 1, beg to prefer this Appeal from original Decree in this Hon'ble
 Court, making the abovenamed opposite party, Respondent on the
 following amongst other

Grounds.

Grounds

1. For that the Court below has wholly misunderstood the principles on which valuation of lands ought to have been made under the circumstances of these cases.
2. For that the Court below has erred in holding that evidence relating to the value of lands in the native quarter does not support the claimant's case.
3. For that the Court below has erred in holding that there is no evidence in these cases to prove that the claimant had intended to use the lands to greater advantage than at present.

4.
For that the court below
has erred in holding that
the fact that the co-sharer has
accepted the collector's award
proves that such award is
based on reasonable valuation,
whereas the court below has
overlooked the fact that the
award accepted by the co-sharer
was not in respect of lands
situated within the compound
evidence relating to the

5. value of lands in the
For that the court below
has erred in holding that
the fact of a co-sharer having
accepted an award is any
evidence at all that the
valuation is just.

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6.
For that the court below
has erred in holding upon
the evidence on the record
that

that the claimant has got an increased rent on account of the railway.

7. For that the Court below has erred in holding that the claimant has not sustained any damage by reason of the acquisition injuriously affecting his other property; Such finding is opposed to the evidence on the record and erroneous in law.

8. For that the Court below has erred in supposing that the fact of a certain number of lands in native quarters are in great demand or that such lands are greater in value than those in the locality in which the claimant's lands are situated.

9. For that the Court below

that the claimant has got an increased rent on account of the railway.

7. For that the Court below has erred in holding that the claimant has not sustained any damage by reason of the acquisition injuriously affecting his other property; Such finding is opposed to the evidence on the record and erroneous in law.

8. For that the Court below has erred in supposing that the fact of a certain number of lands in native quarters are in great demand or that such lands are greater in value than those in the locality in which the claimant's lands are situated.

9. For that the Court below

has erred in supposing that it is necessary for the claimant to prove that he had an actual intention or that he had taken steps to give effect to an intention to lay out the lands in a more lucrative and advantageous way than at present.

10. For that the Judgement in the Court below is based on Speculative and hypothetical grounds which are not supported by the evidence on the record.

11. For that the Court below has wholly misunderstood the scope of Sec. 23 cl (4) of the Land acquisition act and should

10

been proved which entitle the claimant to damages under that Section.

12. It is that under the whole evidence on the record and upon a proper view of the law applicable thereto, the Court below should have held that the amount awarded is inadequate and unfair.

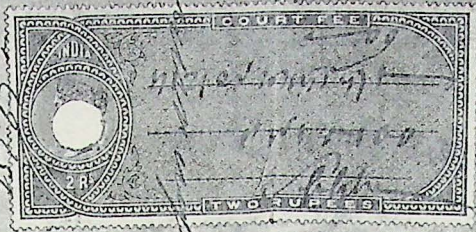
List of papers

- This petition - 1
- Saklatnam - 1
- Judgment + decree of lower Court - 2

Total - 4

~~Total for app. part~~

11



98

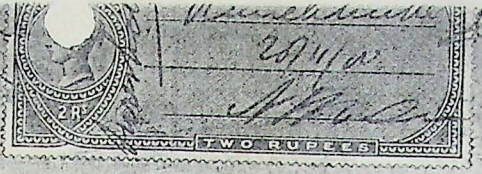
Indhu Subba. Das

Rs 151/00

Handwritten text in a South Indian script, likely Grantha or Tamil, arranged in approximately 12 horizontal lines. The text is dense and appears to be a formal document or record.

Witnessed by
Sundar C. Subbaraj
Madr

Handwritten signature or name at the bottom of the document.



Send
- Contd by 16
For C

20/11/00

Reg 157/00

as the
writing
is

Handwritten text in Devanagari script, appearing to be a letter or document. The text is written in a cursive style and covers most of the page. It includes various lines of text, some of which are indented or written in a different hand.

11-0061/151