

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Appeal of The
Secretary of State for India in Council v.
The India General Steam Navigation and
Railway Company, Limited, from the High
Court of Judicature at Fort William in
Bengal ; delivered the 20th July, 1909.*

Present at the Hearing :

LORD MACNAGHTEN.

LORD DUNEDIN.

LORD COLLINS.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Collins.*]

This is an Appeal against a Decree of the High Court of Judicature at Fort William in Bengal, dated the 11th April, 1906, and made in Appeal No. 58 of 1905, which varied the Decree of the Special Land Acquisition Judge of the 24 Pergunnahs, dated the 11th January, 1905, and made in Land Acquisition Case No. 200 of 1903.

The question relates to the amount of compensation payable to the owners of certain land on the left bank of the Hooghly, near Calcutta, which has been acquired by the Government of Bengal under Act 1 of 1904 for the purposes of the Port Commissioners of Calcutta.

The Respondents to this Appeal were owners of some portions, and lessees of other portions, of the land in question.

On the 12th June, 1903, an award was made by the Land Acquisition Collector under Section 11 of the said Act of 1894, in which he assessed the compensation payable to the parties interested in the said premises at a sum of Rs.757,024. 12. 9.

The Claimants (Respondents) filed a Petition of Objection to the said Award and required the matter to be referred by the Collector for the determination of the Civil Court. The matter accordingly came in due course before the Special Judge of the 24 Pergunnahs appointed to hear and determine cases arising out of proceedings under the said Act, who allowed a sum of Rs.54,594. 11. 11 in addition to the sum awarded by the Collector.

Against this decision the Claimants appealed to the High Court. That Court, in a very careful judgment reviewing the earlier awards and comparing the prices realized on sales of land in the neighbourhood, having regard to the special advantages of, or drawbacks to, their respective situations, and having heard the evidence of experts on both sides, came to the conclusion that the total compensation due to the Claimants ought to be increased to the sum of Rs.1013,591. 8.

It seems to their Lordships that there is no question of principle involved in this Appeal. In fact, the main argument of the Appellant is a practical denial of the right of the High Court to review the findings of the Special Judge, whose great experience in such cases, they suggested, ought to outweigh all other considerations. Indeed, when one comes to close quarters with their objection to the decision, it seems to resolve itself into no more than this, that the Court gave

undue weight to the prices paid on the sale of a particular piece of land in the vicinity as affording a guide to the compensation to be awarded in the case before them. It is by no means clear to their Lordships that there is any good ground for this suggestion.

Their Lordships will therefore humbly advise His Majesty that this Appeal should be dismissed.

The Appellant will pay the costs of the Appeal.

