

Privy Council Appeal No. 71 of 1929.
Bengal Appeals Nos. 32, 33 and 34 of 1927.

Rai Ram Protap Chamaria Bahadur and others	-	-	-	-	-	-	-	<i>Appellants</i>
								<i>v.</i>
The Secretary of State for India in Council	-	-	-	-	-	-	-	<i>Respondent</i>
Same	-	-	-	-	-	-	-	<i>Appellants</i>
								<i>v.</i>
Same	-	-	-	-	-	-	-	<i>Respondent</i>
Same	-	-	-	-	-	-	-	<i>Appellants</i>
								<i>v.</i>
Same	-	-	-	-	-	-	-	<i>Respondent</i>

(*Consolidated Appeals*)

FROM

THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN
BENGAL.

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 27TH JUNE, 1930.

Present at the Hearing.

VISCOUNT DUNEDIN.

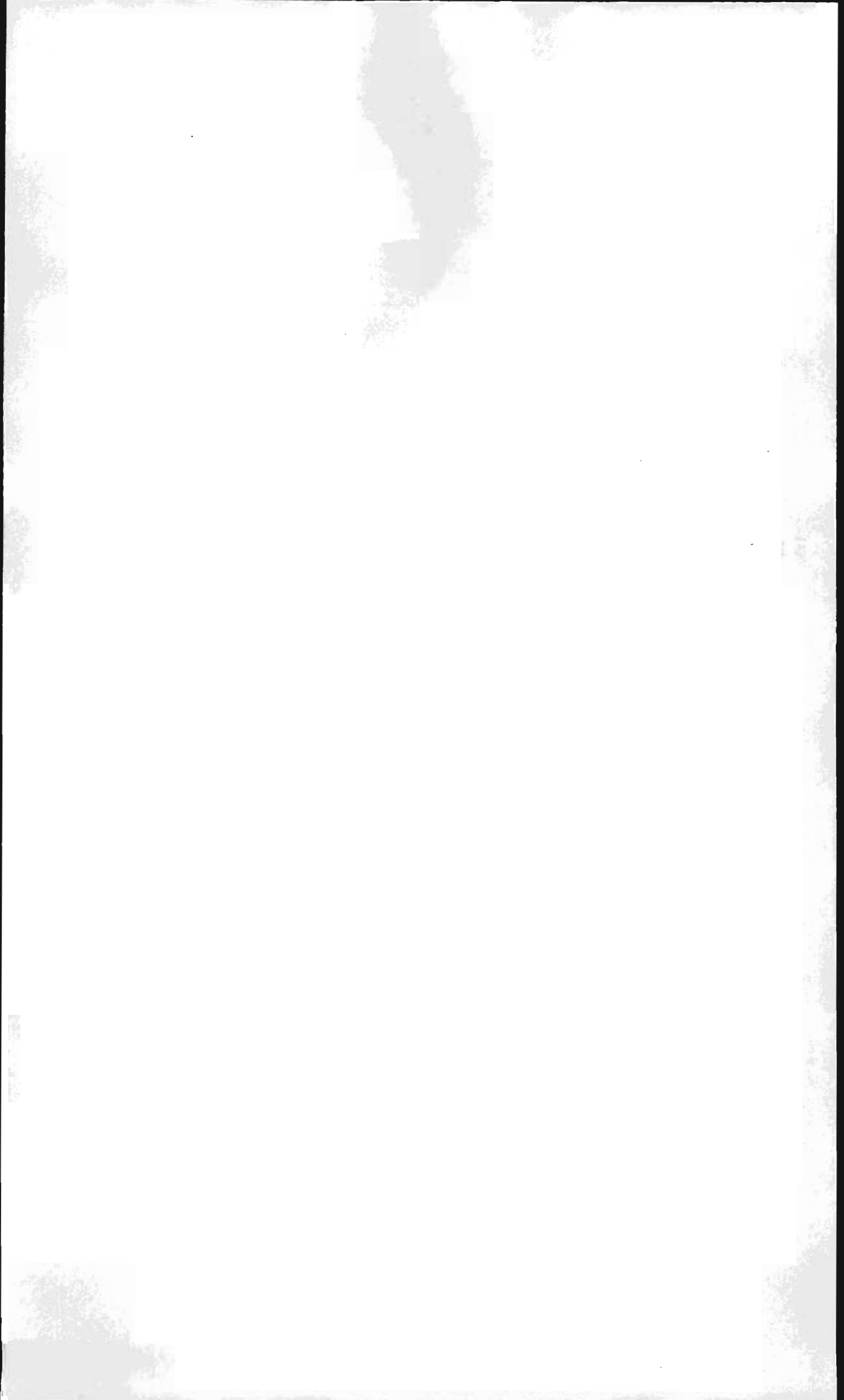
SIR JOHN WALLIS

SIR GEORGE LOWNDES.

(*Delivered by* VISCOUNT DUNEDIN.)

This is a case which follows many other cases raising the question of the proper value to be allowed for certain compulsorily-acquired land. The general principles on which the Board deals with these cases have been laid down particularly in two cases cited *Narsingh Das v. Secretary of State for India in Council* (51 I.A., 133) and *Nowroji Rustomji Wadia v. Bombay Government* (51 I.A., 367). It is clear from those cases that their Lordships cannot interfere with the figures that have been settled by the High Court unless it can be shown there has been some real

mistake in law or some palpable omission which would invalidate the valuation. Now here, the whole case for the higher valuation which is asked for depends upon the appellants being able to appeal to a certain contract for sale of part of the lands which fixed a very much higher figure. The learned Judges, acquainted with the circumstances on the spot, have come to the conclusion that that contract, though it did exist on paper, did not in any way represent the value in the market, but was a sort of speculative endeavour of a certain party to get at a foundation for acquiring some of the land with a view of obtaining the rest eventually, so that he might avoid competition. But the transaction was never proceeded with and remained only a piece of paper, and the Judges have held that this was not a circumstance which should affect their minds in arriving at the true market value. On the view arrived at of the whole circumstances of the case, it would be impossible for this Board to take any other view in accordance with the principles laid down in prior decisions. Therefore, their Lordships will humbly advise His Majesty to dismiss the appeal with costs.



In the Privy Council.

RAI RAM PROTAP CHAMARIA BAHADUR AND
OTHERS

v.

THE SECRETARY OF STATE FOR INDIA IN
COUNCIL

SAME

v.

SAME

SAME

v.

SAME

(Consolidated Appeals).

DELIVERED BY VISCOUNT DUNEDIN.

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