

Land Acquisition Act, 1894, Section 28-A - Fair Compensation - Even in the absence of exemplars and other evidence, higher compensation can be allowed for *others* whose land was acquired under the same notification - In the matter of compulsory acquisition of lands by the Government, the villagers whose land gets acquired are not willing parties - It was not their voluntary act to sell off their land - They were compelled to give the land to the *State* for public purpose - For this purpose, the consideration which is to be paid to them is also not of their choice - On the contrary, as per the scheme of the Act, the rate at which compensation should be paid to the persons divested of their land is determined by the Land Acquisition Collector - The Scheme further provides that his determination is subject to judicial scrutiny in the form of reference to the District Judge and appeal to the High Court, etc. - In order to ensure that the landowners are given proper compensation, the Act provides for “fair compensation” - Once such a fair compensation is determined judicially, all landowners whose land was taken away by the same notification should become the beneficiary thereof.

[2017 SCeJ 004](#)