

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

LAAS.Nos. 322, 324, 511, 514, 516, 517 & 519 of 2012

Dated: 12.02.2015

LAAS No.322 of 2012

Between:

The Special Deputy Collector,
Telugu Ganga Project, Nandyal,
Kurnool District.

... Appellant

Vs.

C. Balalinganna

... Respondent

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**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

LAAS.Nos. 322, 324, 511, 514, 516, 517 & 519 of 2012

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COMMON JUDGMENT: (Per Hon'ble Sri Justice G.Chandraiah)

The present batch of appeals is filed by the Appellant/Referring Officer, challenging the common order passed by the II Additional Senior Civil Judge, Nandyal, in LAOP No.467 of 2009 and Batch, dt. 11.04.2011, enhancing the compensation for the acquired lands.

2. The brief facts of the case are that the Special Deputy Collector, Telugu Ganga Project, Nandyal had acquired various extents of lands belonging to the claimants situated in Gajulapalli

village, Mahanandi Mandal for the purpose of excavation of Major Distributory from 0.000 kms to 2.800 kms., in Block No.15 B under Telugu Ganga Project, by issuing Notification under Section 4(1) of the Land Acquisition Act (hereinafter referred to 'the Act'). After following the due procedure, the Land Acquisition Officer passed an Award, vide Award No.6/2005-06, dated 01.08.2005, fixing the market value for the acquired lands by categorizing them into two i.e., for the dry lands at Rs.35,000/- per acre, and for the wet lands irrigated through bore well at Rs.45,000/- per acre. Having dissatisfied with the same, the matter was referred under Section 18 of the Act. The reference Court, after careful consideration of the matter, determined the market value of the lands by its judgment dt. 11.04.2011, as under:

- “(i) Market value of the lands is fixed at Rs.70,000/- per acre for the dry lands, and Rs.90,000/- per acre for the wet lands irrigated through bore well;
- (ii) Claimants are entitled to 30% solatium on market value fixed by the Court as provided under Section 23(2) of the Act.
- (iii) The claimants are entitled to additional market value at the rate of 12% per annum on such market value from the date of Section 4(1) notification till the date of the Award.
- (iv) The claimants are entitled to interest at the rate of 9% p.a. from the date of Section 4(1) notification for a period of one year, and thereafter at 15% p.a., till the date of payment of the enhanced market value, additional market value and solatium.
- (v) The amount already paid by the Land Acquisition Officer shall be deducted from the compensation fixed by the Court.”

Aggrieved by the said enhancement, the Special Deputy Collector/appellant preferred this batch of appeals.

3. When the matter was listed under the caption for orders, both

the learned counsel submits that the subject matter involved for consideration in this batch of appeals is covered by a judgment of this Court in LAAS No.326 of 2012, dt. 30.08.2013, and placed a copy of the said order before us.

4. As could be seen from the said judgment, it is clear that the appellant/Land Acquisition Officer acquired the lands of the respondents/claimants for excavation of major distributory, for which the lands of the respondents/claimants herein were acquired. The other facts are similar to that of the facts of the present batch of appeals.

5. We have perused the entire material on record, including the judgment of this Court in LAAS No.326 of 2012, dt.30.08.2013. By the said judgment, this Court, by following the law laid down in ***Sundar vs. Union of India***^[1], which is subsequently followed in ***Nagpur Improvement Trust vs. Jaswanthbai & Others***^[2], held that the enhancement of compensation made by the learned Judge of the trial Court from Rs.35,000/- to Rs.70,000/- per acre for dry lands and Rs.45,000/- to Rs.90,000/- per acre for wet lands, is just and reasonable and therefore not inclined to diverse from the view of the learned trial Judge, and accordingly dismissed the appeals, confirming the order and decree dt. 11.4.2011 passed by the learned II Additional Senior Civil Judge, Nandyal.

5. In view of the above, following the above judgment of this Court in LAAS No.326 of 2012, dt.30.08.2013, the present batch of appeals is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed accordingly. No costs.

G. Chandraiah, J.

M.S.K. Jaiswal, J.

Dt.12.02.2015

Kv

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

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(Common Judgment of the Division Bench delivered by
Hon'ble Sri Justice G. Chandraiah)

Dated: 12.02.2015

Kv

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- [\[1\]](#) 2001(7) SCC 211
[\[2\]](#) (2002) 7 SCC 657