

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

APPEAL SUIT Nos.2693, 2826 and 3135 of 2003

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COMMON JUDGMENT : (per Hon'ble Sri Justice Nooty Ramamohana Rao)

All these appeals have been preferred by the State Government under Section 54 of the Land Acquisition Act, 1894 aggrieved by the common judgment and order passed by the Reference Court in various O.Ps. enhancing the compensation for the structures, by 80% over and above the valuation arrived at by the Land Acquisition Officer.

For purpose of major irrigation project known as Somasila Project, vast extents of land have been acquired in and around Nellore and Kadapa Districts through a notification published in the year 1981. Several villages got submerged by virtue of the execution of the irrigation project. All the habitations of the effected villages were uprooted and they have been rehabilitated. For the structures, the compensation has been fixed on a very conservative scale by the Land Acquisition Officer. Therefore, duly taking into account the cost of construction, material cost and the value there of, the Reference Court has enhanced the valuation by about 80%. In fact, in this context, we must also record our sincere appreciation for the efforts put in by the State Government itself. As a part of the relief and rehabilitation exercise, the State Government has taken a policy decision and announced it through their G.O.Rt.No.101, dated 20.02.2006 not to contest the appeals relating to enhancement of compensation, which was up to 80% of the valuation fixed by the Land Acquisition Officer. Consequently, when several appeals preferred to this Court, have been referred to Lok-Adalat, the State Government gracefully accepted the order and judgment rendered by the respective reference Courts and did not

contest those appeals. In fact on 3 different occasions, 3 different Division Benches had occasion to consider similar question on merits in First Appeal Nos.2048, 2787 and 2907 of 2009 and First Appeal Nos.13 of 2001 and batch of cases, by its judgment dated 08.12.2005 approved the reasoning of the Reference Court in enhancing the market value for the structures by 80% over and above the valuation fixed by the Land Acquisition Officer. Thereafter, another Division Bench, which dealt with A.S.S.R. Nos.94589 and 100160 of 2002 and A.S.No.1393 of 2002 and other batch of Appeal Suits, by its judgment dated 11.02.2008 has approved the enhancement of value of the structures by 80%. In fact one of us (Justice Nooty Ramamohana Rao) is a member of the Division Bench, which dealt with these batch of cases. During the course of the judgment in these batch of cases, this Court has also noticed that the learned Government Pleader for Appeals addressed a letter dated 08.02.2008 to the Registry seeking permission to withdraw the appeals where the enhancement made by the Reference Court is over and above 80% of the market value fixed by the Land Acquisition Officer either for the land or for the structures so acquired.

Subsequently, as recently as on 20.10.2014 another Division Bench which dealt with Appeal Suit Nos.3031, 4113 and 4118 of 2003 also approved the reasoning of the Reference Court in enhancing the compensation by 80% for the structures.

We, therefore, follow the same process of reasoning and appreciate the measures undertaken by the State Government for not contesting the appeals preferred by it in such cases and even today the learned Government Pleader representing learned Advocate General very fairly brought to our notice saying that all those villages where the structures got submerged due to Somasila project had enjoyed this benefit. The stand adopted by the State Government as reflected through the learned Government Pleader representing learned Advocate General in this Court is to be appreciated. That should be the spirit to be exhibited in case of rehabilitation of displaced persons, who lost not only their properties, but they were completely uprooted from their way of living.

Accordingly, these appeals also stand dismissed. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

25.11.2015

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