

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**and**

**THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

**APPEAL SUIT No.1470 of 2002**

–  
**JUDGMENT:** (per RR, J)

This appeal is preferred by the claimants before the Court of

II Additional Senior Civil Judge, Ranga Reddy, in O.P.No.136 of 1986 dated 21.03.2000.

The appellants-claimants filed O.P.No.136 of 1986 under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') to determine the compensation payable to them for an extent of Ac.1.37 guntas of land in Survey No.536 of Alwal Village covered by the award dated 21.07.1984. The Government had acquired an extent of Acs.6.20 guntas in Survey Nos.535, 536, 538, 539, 540 and 541 of Alwal Village for construction of a new broad-gauge railway line by-passing Sanathnagar to Moulali. The notification, under Section 4(1) of the Act, was published in the Gazette on 06.07.1978. Possession was taken by the South Central Railway on 01.02.1980, and an award was passed by the Land Acquisition Officer on 21.07.1994 fixing the market value of the subject land @ Rs.20,000/- per acre.

Before the Court below, the appellants herein relied on Ex.A.1 – certified copy of the award passed in

O.P.No.244 of 1986 wherein, under the very same notification, the Reference Court had, as against Rs.20,000/- per acre fixed by the Land Acquisition Officer, determined the market value of the subject land @ Rs.30/- per sq.yard While awarding Rs.30/- per sq.yard, the II Additional Assistant Senior Civil Judge, Ranga Reddy District, in O.P.No.244 of 1986 dated 29.04.1999, had relied on two sale deeds. The first dated 04.07.1978, with respect to Survey No.192, @ Rs.31.87 ps. per square yard; and the second sale deed dated 17.05.1977, in Survey No.183, @ Rs.30/- per square yard. As these two sale deeds also pertained to the land in Alwal Village, the learned Judge had determined the market value of the acquired land as, approximately, Rs.30/- per sq.yard.

Though the appellants-claimants had placed reliance on the order passed in O.P.No.244 of 1986 dated 29.04.1999, the Court below held that the burden was on the plaintiffs to prove the market value; the order passed in O.P.No.244 of 1986 dated 29.04.1999 was not binding on him; and it would, at best, have persuasive value if the claimants were able to show that the lands in Survey No.536 of Moulali Village also had the same potential, and the same advantages, as the land covered by Ex.A.1. The Court below held that, though the lands covered by Ex.A.1 and the lands of the claimants in Survey No.536 were acquired for the same purpose and under the same notification, they were in different Survey Numbers.

Consequently, the Court below enhanced the compensation, fixed by the Land Acquisition Officer of Rs.20,000/-, to Rs.25,000/- per acre; and granted the appellants all statutory benefits.

Sri V.Hariharan, learned counsel for the appellants, has placed before this Court a copy of the judgment of the Division bench in A.S.No.2166 of 2000 and batch dated 01.10.2007 wherein the appeal preferred by the Union of India, against the order passed in O.P.No.244 of 1986 and batch dated 29.04.1999, was dismissed, and the order of the reference Court was affirmed. The Division bench held that the respondents-claimants therein were entitled to interest on solatium as per the law laid down in **Sunder v. Union of India**<sup>[1]</sup>.

We enquired from the learned Government Pleader whether the lands, which were the subject matter of O.P.No.136 of 1986, were acquired under the same notification as the acquired lands which were the subject matter of consideration in O.P.No.244 of 1986. Learned Government Pleader, on instructions, would fairly state that the lands in both the O.P.s were covered by the same notification issued under Section 4(1) of the Act. As the compensation determined by the II Additional Senior Civil Judge, Ranga Reddy, in O.P.No.244 of 1986 dated 24.04.1999, has been affirmed in appeal by the Division bench in A.S.No.2166 of 2000 and batch dated 01.10.2007, the order of the Court below is set aside; and

the market value of the subject land is also fixed at Rs.30/- per sq.yard. In view of the law declared by the Supreme Court in **Sunder<sup>1</sup>**, the appellants-claimants shall also be entitled for all the statutory benefits.

The appeal is, accordingly, allowed. No costs.

---

**RAMESH RANGANATHAN, J**

2<sup>nd</sup> JULY, 2015.

---

**S. RAVI KUMAR, J**

*kvni*

---

[\[1\]](#) 2001(7) Supreme 37