

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

HON'BLE SMT JUSTICE ANIS

APPEAL SUIT No. 644 OF 2003

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

This appeal is preferred by the State aggrieved by the order rendered by the Reference Court in L.A.O.P.No.40 of 1997.

For purpose of formation of a bypass road, National Highway, which passes through Nellore town, the Collector notified the total extent of land of Ac.73.62 cents through notification dated 20th July 1992. The Land Acquisition Officer passed his award No.9/93-94 on 28.02.1994. Land of an extent of Ac.0.50 cents situated in Survey No.383/2-1 of the respondent/claimant was also acquired as part of the overall extent of Ac.73.62 cents. The Land Acquisition Officer has determined the market rate of the wet land at Rs.65,000/- per acre. The claimant has accepted the compensation paid by the Land Acquisition Officer under protest and sought for a reference to be made to the Civil Court for determination of the correct market value as the claimant claimed a market value @ Rs.16 lakhs per acre.

During the course of enquiry into the reference under Section 18 of the Land Acquisition Act (for short 'the Act'), the claimant herself examined as PW1 and she also got marked a registration extract of a Sale deed dated 23.02.1989 as Ex.A.1. Ex.A.1 Sale deed dealt with sale of 45 ankanams of site sold for Rs.59,400/- in the year 1989. The land which is acquired was in fact standing at a distance of one furlong from the land covered by Ex.A.1. Since the Notification was issued under Sub-Section (1) of Section 4 of the Act on 20th July 1992, Ex.A.1 Sale deed which is nearly 2½ years prior to the date of Notification, can inspire confidence in our mind, as such a sale transaction could not have been artificially created for the sake of making a wrongful claim for compensation for the compulsory acquisition of land.

In fact, for another parcel of land which has also been acquired by the very same Notification dated 20th July 1992 for formation of the bypass road to

the National Highway, we had occasion to consider the issue in A.S.Nos.1285, 1302, 1308 and 1304 of 2003, which we have decided on 03.11.2015. During the course of our order dated 03.11.2015 in the aforementioned cases, we have noticed an earlier judgment rendered by this Court in A.S.No.1303 of 2003 and batch, the subject-matter of which also relates to the land acquired for the same purpose. We have, by our aforementioned judgment, held that the fixation of market value by the Reference Court was fair and adequate.

In fact, in the instant case, the Reference Court has categorically recorded a finding that the Land Acquisition Officer has committed an error in not relying upon the sale transaction covered by Ex.A.1. Therefore, the said finding recorded is fair and reasonable and does not warrant any interference at our hands.

For the aforesaid reasons, we are of the view that this Appeal is without any merit and accordingly we dismiss this Appeal. But, however, without costs. Two (2) months time is granted for depositing the balance money, if any.

Miscellaneous Petitions, if any, pending in the Appeal Suit, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

Date: 26.11.2015

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