

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

&

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

L.A.A.S.No.1036 of 2011

Between:

The Special Deputy Collector,
L.A.Somasila Project, Atmakurum
Nellore District

..... APPELLANT

AND

Battina Eswaramma and 123 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

&

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

L.A.A.S.No.1036 of 2011

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

This appeal is filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') by the Land Acquisition Officer aggrieved by the order passed by the First Additional District Judge, Kadapa, dated 28.04.2010 in L.A.O.P.No.1225 of 2001.

The short point that is involved in this appeal is that the land in question was acquired for the public purpose and the Land Acquisition Officer fixed the compensation. Having not satisfied, the matter was referred under Section 18 of the Act. The Reference Court vide its judgment and decree dated 28.04.2010 enhanced and fixed the compensation at 80% over and above the market value fixed by the Land Acquisition Officer and also fixed the market value to the fruit bearing trees.

With regard to enhancement of compensation to the acquired lands is concerned, there is no dispute. The dispute is only with regard to compensation awarded by the Reference Court to the fruit bearing trees.

The learned counsel for the appellant submitted that the Land Acquisition Officer only fixed nominal amount to the fruit bearing trees as detailed at paragraph No.11 of the order of the Reference Court.

The learned Reference Court, following the judgments of this Court in A.S.No.2036/2004 in LAOP No.934/2001, dated 31.12.2008 and A.S.No.1368/2002 and batch, dated 25.08.2008 and also the decisions of the Apex Court in SLP.(CC) No.18955-18956 of 2009, dated 04.12.2009 and SLP.(CC) No.23696-23705 of 2009, dated 16.04.2010, enhanced the compensation and fixed the market value of the lands at 80% over and above the market value fixed by the Land Acquisition Officer and also fixed the market value of the fruit bearing trees of the claimants, as detailed at paragraph-23 of the order of the Reference Court.

Both the learned counsel have fairly conceded that the claimants are entitled for the compensation, as referred to under paragraph-23 of the impugned order towards fruit bearing trees by deducting the nominal value/damages arrived at by the Land Acquisition Officer, as referred to under paragraph-11 of the impugned order.

In view of the above submissions of both the counsel, the impugned order is modified to the extent that the claimants are entitled for compensation towards fruit

bearing trees, as referred to at paragraph-23 of the impugned order after deducting the value/damages arrived at by the Land Acquisition Officer to the fruit bearing trees, as referred to at paragraph-11 of the impugned order. The remaining portion of the impugned order as referred to at paragraph-23 shall stand unaltered.

With the above modification, the Appeal stands disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

G.CHANDRAIAH,J

M.S.K.JAISWAL,J

Date: 16.04.2015

Dsr