

HON'BLE SRI JUSTICE K.C. BHANU

AND

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

LAAS No.114 of 2007

JUDGMENT: (Per Hon'ble Sri Justice K.C. Bhanu)

This appeal, under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') is filed challenging the order and decree, dated 27.04.2006, passed by the learned Principal Senior Civil Judge at Asifabad in OP.No.59 of 1998 whereunder and whereby the Original Petition was allowed enhancing the market value of the acquired land at Rs.12,000/- per acre as against the market value fixed by the Land Acquisition Officer at Rs.6,200/- per acre.

2. An extent of Ac.4.19 guntas in Sy.No.158 of Ityala village of Dahegaon Mandal in Adilabad District was acquired for the purpose of providing house sites to the weaker sections of the society. A draft notification under Section 4(1) of the Act was issued on 09.03.1998. Thereupon, the Land Acquisition Officer after conducting enquiry had passed Award No.B/786/95 dated 10.09.1998 fixing the market value for the acquired land at the rate of Rs.6,200/- per acre.

3. Not satisfied with the market rate fixed by the Land Acquisition Officer under the Award, the respondent/claimant made an application under Section 18 of the Act to refer the

matter to the competent Civil Court for determination of just and reasonable market value for the acquired land. The same was referred to the learned Principal Senior Civil Judge, Asifabad, which was taken on file as OP.No.59 of 1998.

4. Before the reference Court, on behalf of the claimant, PW1 was examined and exhibit A1 was marked. On behalf of the referring officer, RWs1 to 3 were examined and exhibits B1 to B3 were marked.

5. The Reference Court, accepting the documents/exhibits B2 and B3, had fixed the market value at Rs.12,000/- per acre. Challenging the same, the present appeal is filed by the State.

6. The learned Government Pleader Appeals contended that the value as mentioned in Exs.B2 and B3 cannot be taken as basis for the purpose of determination of the proper market value of the land under acquisition, as the sales under Exs.B2 and B3 were effected after the notification under Section 4(1) was issued and therefore, if Exs.B2 and B3 are eschewed from consideration, the claimants have failed to produce any other document to show that the value of the land under acquisition is Rs.12,000/- per acre as on the date of notification under Section 4(1) of the Act and hence, he prays to allow the appeal.

7. The facts are not in dispute. The only point that is to be considered in this appeal is 'whether the valuation fixed by the learned Senior Civil Judge by placing reliance on exhibits B2 and B3 which are post notification sales, is just and reasonable?

8. There cannot be any dispute that if the sale deeds relied upon by the claimants are prior to the date of issuance of section 4(1) notification, the same can be taken into consideration for the purpose of arriving at correct and proper market value of lands. It is not in dispute that exhibits B2 and B3 came into existence after issuance of section 4(1) notification in this case. The vendor and vendee in these documents are not connected with the acquisition of the land of the claimant by the Government in this case. They are third parties. It cannot be presumed that these two sale deeds were brought into existence by the claimant or at the instance of the claimant to get higher compensation. Since the parties to these documents are strangers and no collusion or fraud is alleged or averred against these two transactions, the value of the land as fixed in these two documents can be taken into consideration. Simply because these two documents-exhibits B2 and B3 came into existence after issuance of section 4(1) notification, it does not mean they cannot be relied upon. The law is well settled that even the post notification sale deeds can also be taken into consideration for the purpose of fixing the market value of the land. But they cannot be taken as sole basis to determine the market value. Since the Exs.B2 and B3 are post notification sale deeds, the Reference Court, after de escalation, had rightly fixed the market value of the acquired land at Rs.12,000/- per acre with all statutory benefits. Therefore, the enhancement of the compensation from Rs.6,200/- to Rs.12,000/- per acre cannot be said to be on

higher side or without any basis.

9. For the aforesaid reasons, we do not find any merit in the appeal to interfere with the order impugned in this appeal.

10. Accordingly, the Appeal is dismissed. There shall be no order as costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

K.C. BHANU, J

M. SEETHARAMA MURTI, J

19.01.2015

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