

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE S. RAVI KUMAR**

A.S. Nos.940 AND 1439 of 2003

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

A.S. No.940 of 2003 is filed by the Land Acquisition Officer and A.S. No.1439 of 2003 is filed by Singareni Collieries Company Limited (the beneficiary) aggrieved by the order passed by the Senior Civil Judge, Asifabad in O.P. No.11 of 1993 dated 20.09.2002.

An extent of Ac.21.73 cts in Sy. No.612/14 to 18 of Tandoor village was acquired for laying an approach road to the land where mining operations were being conducted by the Singareni Collieries Company Limited. The notification, under Section 4(1) of the Land Acquisition Act, was published on 17.08.1988. The Land Acquisition Officer passed an award on 18.08.1990 fixing the market value of the subject land at Rs.4,000/- per acre. On a reference being made under Section 18 of the Land Acquisition Act, the Learned Senior Civil Judge, Asifabad enhanced the market value from Rs.4,000/- per acre to Rs.16,000/- per acre, as against the claim of the respondent-claimants for Rs.20,000/- per acre.

The Learned Senior Civil Judge took into consideration the sale deeds for different extents of land which were marked as Exs.B-1 to B-4. Ex.B-1 is a sale deed dated 25.03.1986 whereby an extent of 3 guntas of land was sold for Rs.2,514/- i.e., approximately Rs.33,000/- per acre. Ex.B-2 is the sale deed dated 13.05.1986 whereby an extent of 2 ½ guntas of land was sold at Rs.4,840/- i.e., approximately Rs.48,000/- per acre. Ex.B-3 is the sale deed dated 16.04.1984 whereby an extent of 9 guntas of land was sold for Rs.15,517/- i.e., around Rs.67,000/- per acre. Ex.B-4 is the sale deed dated 06.04.1987 whereby an extent of 17 guntas of land were sold for Rs.32,920/- i.e., around Rs.68,000/- per acre. The Learned Judge further held that in O.P. No.9 of 1993, whereby the land were acquired by the Government at Rs.5,000/- per acre, the Civil Court had enhanced the market value to Rs.25,000/- per acre and, on appeal, the

Division bench of this Court, by its order in A.S. No.1950 of 1995 dated 20.10.1998, had fixed the market value at Rs.22,000/- per acre. The Learned Judge held that the subject land in A.S. No.1950 of 1995 is also situated nearby Tandoor; the oral evidence of R.W-1, which was corroborated by R.Ws-2 to 4, showed that the acquired land was also nearby Tandur village; and if Exs.B-3 and B-4 documents were taken into consideration, coupled with the judgment of the High Court vide Ex.B-5, the market value of the acquired land should be fixed at Rs.16,000/- per acre.

Both the Learned Government Pleader for Appeals, and Sri J. Prabhakar, Learned Counsel for Singareni Collieries Company Limited, would submit that no reliance could have been placed on Exs.B-1 to B-4 as they relate to very small extents of land of less than half an acre, whereas the lands under acquisition are in excess of 21.00 acres. They would further contend that, since the land acquired was for the purpose of laying an approach road to the mine, the Reference Court ought to have made certain deductions while fixing the market value.

While it is no doubt true that the sale deeds in Exs.B-1 to B-4 are for small extents of less than half acre, the value of the lands sold is 2 to 4 times more than the market value fixed by the Reference Court for the subject lands. Further the Reference Court relied on an order passed by a Division bench of this Court whereby the market value of the land in the vicinity was fixed at Rs.22,000/- per acre. Sri J. Prabhakar, Learned Counsel for the Singareni Collieries Company Limited, could contend that the land which is the subject matter of A.S. No.1950 of 1995 is located at a distance of three kilometres from the acquired land. It cannot, however, be lost sight of that, as against the market value fixed by the Division bench in A.S. No.1950 of 1995 at Rs.22,000/- per acre, the Reference Court has fixed the market value of the subject lands only at Rs.16,000/- per acre. The order passed by the Reference Court does not necessitate interference. Both the appeals are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

RAMESH RANGANATHAN, J

S. RAVI KUMAR, J

Date: 29.10.2015.

MRKR