

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**AND**

**THE HON'BLE MRS. JUSTICE ANIS**

**APPEAL SUIT No. 3750 OF 2003**

**J U D G M E N T:** *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Heard learned Government Pleader for Appeals (Andhra Pradesh) on behalf of the appellant. None appears for the respondents-claimants.

This is an Appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') by the Land Acquisition Officer –cum- Special Tahsildar, Jangareddigudem, calling in question the correctness of the order dated 30.07.1999 passed in O.P. No. 114 of 1987 by the learned Principal Senior Civil Judge at Eluru.

Lands, which are acquired on 10.04.1980 in an extent of Acs.14.33 cents, belong to a temple. The lands are acquired for formation of an irrigation reservoir. The Land Acquisition Officer fixed the market value at Rs.4,000/- per acre apart from granting Rs.20/- for the palmyrah trees lying in the lands. Because of this hopelessly-inadequate market value fixation, the temple sought for a reference to be made and that is how O.P.No. 114 of 1987 came to be referred to the civil Court. The Executive Officer of the temple and another individual were examined as P.Ws.1 and 2 and the common order passed in O.P.Nos. 70 and 71 of 1982, which are also land acquisition references under Section 18 of the Act by the same Sub-Court, were marked as Ex.A1 (erroneously this document has been noted as Ex.A4 by the Court below, but however, this being the only document, which was got marked, it should have been numbered as Ex.A1.)

We have perused Ex.A1, the order passed by the same Sub-Court in O.P.No. 123 of 1983 and O.P.No. 77 of 1982. They arise out of the land of an extent of Acs. 25.28 cents lying in the adjoining Mathannagudem Village which was acquired for formation of the same Yerrakalava Reservoir. By an order dated 21.11.1983, the Court has fixed the market value there at Rs.22,000/- per acre for all the lands acquired in that village for Yerrakalava Reservoir project. The notification concerning those lands was, in fact, issued by the State Government through their G.O.Rt.No. 1545 dated 31.07.1979, whereas, in the instant case, the notification was issued on 10.04.1980 i.e. at about the same time though slightly later in point of time.

In fact, we feel that the Award now passed fixing the same market value of Rs.22,000/- per acre does not warrant any interference at our hands for the following reasons:

1. the earlier Award passed by the Sub-Court itself fixed the market value at Rs.22,000/- per acre duly taking into account and consideration various contemporary sale transactions that have taken place and also the potentiality of the lands, which are put to cultivable operations by the respective owners and the yield which they were getting therefrom;
2. when huge extents of lands are acquired for a public project, such as an irrigation project, the lands, which are adjoining and contiguous alone will be acquired. Therefore, it would be a grave distortion of truth if different parcels of lands are to be valued differently even though they are forming into a contiguous land zone; and
3. the reference Courts have taken into account the fact that the lands are put to cultivable operations and yield obtained is also reflected in the revenue records. Excepting that, in the instant case, the lands belong to a temple and consequently, the lands are only leased out by the temple as the temple itself cannot undertake directly agricultural operations, otherwise, there is no distinction or difference between the two sets of cases.

Hence, we have no hesitation to dismiss this Appeal confirming the fixation of market value arrived at by the Sub-Court. The Appeal is accordingly, dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

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**NOOTY RAMAMOHANA RAO, J**

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**ANIS, J**

04<sup>th</sup> November 2015

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