

THE HON'BLE SRI JUSTICE K.C. BHANU

AND

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

L.A.A.S No.852 of 2006

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

This appeal, under Section 54 of the Land Acquisition Act, 1984 (for short 'the Act'), is filed challenging the order and decree, dated 20.06.2005 passed by the learned Senior Civil Judge, Gudur in LAOP.No.96 of 2002 whereunder and whereby, the Original Petition was partly allowed enhancing the compensation by fixing the market value of the acquired land in respect of dry lands at Rs.13,200/- and wet lands at Rs.24,000/- per acre as against the market value fixed by the Land Acquisition Officer at Rs.9,200/- and Rs.16,500/- per acre respectively.

2. The land of the respondents herein was acquired for the public purpose of formation of approach channel of Kandaelru Reservoir under Telugu Ganga Project by issuing draft notification under Section 4(1) of the Act on 11.08.1984. However, possession of the lands was taken on 28.05.1984 i.e., prior to the issuance of section 4(1) notification.

3. The Land Acquisition Officer, after conducting due enquiry, had passed an award on 05.09.1985 fixing the compensation of the dry lands and wet lands at the rate of Rs.9,200/- and Rs.16,500/- per acre respectively.

4. Not satisfied with the compensation fixed by the Land Acquisition Officer, the respondents/claimants 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 lands under acquisition. The same was referred to the learned Senior Civil Judge, Gudur which was taken on file as LAOP.No.96 of 2002.

5. Before the reference Court, on behalf of the claimants, CWs.1 to 3 were examined and Exs.A.1 to A.7 were got marked. On behalf of the Land Acquisition Officer, RW.1 was examined but no documents were marked.

6. The Reference Court after considering the evidence on record had enhanced the compensation in respect of dry lands from Rs.9,200/- to Rs.13,200/- per acre and for wet lands from Rs.16,500/- to Rs.24,000/- per acre. Challenging the same, the Land Acquisition Officer filed the present appeal.

7. Learned Government Pleader for Appeals contended that the enhancement by the Reference Court is without any sufficient and acceptable evidence adduced on behalf of the claimants and that the value of the lands assessed by the Land Acquisition Officer is based upon sufficient evidence and therefore, prays to reduce the compensation.

8. Learned counsel for the respondents contends that the reference Court after considering the material available on record rightly awarded the compensation and that order needs no interference by this Court.

9. Facts are not in dispute. A perusal of Exs.A4 to A7, which are registration extracts of the sale deeds for the year 1983, would go to show that the lands thereunder were sold at the rate of Rs.10,000/- to Rs.23,000/- per acre. These documents are not in dispute because there was no challenge to these documents. CW3 proved the execution of Ex.A.7 as a genuine transaction. The value of the land covered under Ex.A.7 is Rs.23,800/- per acre. For the purpose of fixing the proper market value, exhibit A7 can safely be taken as a guidance. By taking the sale transaction covered under Ex.A7, the reference Court rightly enhanced the compensation in respect of dry and wet lands. Therefore, the market value fixed by the reference Court cannot be said to be without any evidence. Fixing the market value of the cultivable wet land under category 1 at the rate of Rs.24,000/- per acre and at Rs13,200/- per acre for well irrigated dry land cannot be said to be excessive or without there being any evidence.

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

11. Accordingly, the Appeal is dismissed. There shall be no order as to 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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