

HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Rev. ASMP No.1633 of 2015

in

APPEAL SUIT No.871 of 2003

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ORDER: (Per R. Subhash Reddy, J)

This Review Petition is filed by the respondent in A.S.No.871 of 2003, who is the claimant under the Land Acquisition Act, 1894, seeking review of the judgment and decree dated 30.06.2014 passed in A.S.No.871 of 2003.

By the aforesaid judgment and decree, the appeal filed by the Land Acquisition Officer (Revenue Divisional Officer) Nizamabad, was dismissed, confirming the fixation of market value of the acquired land admeasuring Ac.3.00 Gts., covered by Sy.Nos.759 & 760 of Thorlikonda village of Jakranpally Mandal, Nizamabad District, at the rate of Rs.20/- per Sq. yard with 1/4th deduction towards development charges. When the appeal was listed for hearing, it was not brought to our notice about pendency of separate appeal filed by the claimant.

It is contended by the learned counsel for the petitioner that, arising out of the same notification, connected appeals filed by the claimants were allowed, enhancing the compensation and when the appeal filed by the petitioner in this Review Petition had come up for hearing, it is noticed that this Court has observed, while disposing of the appeal, that the rate fixed by the Reference Court is just and reasonable and such observations are coming in the way.

Learned Government Pleader for the respondent submits that, arising out of the same notification, appeal filed by other claimant was allowed enhancing the compensation.

As it was not brought to our notice about pendency of the appeal filed by the claimant when the appeal was listed for hearing, we heard the appeal and dismissed the same. As it is brought to our notice that, arising out of the same notification, appeal of other claimant was allowed by this Court enhancing the compensation, we deem it appropriate to allow this Review Petition to the extent of observations made by this Court to the effect that “compensation fixed by the Reference Court is just and reasonable and the same does not warrant interference of this Court”. The said portion of the order shall be read as “the compensation fixed by the Reference Court cannot be said to be excessive and not supported by evidence on record.”

Accordingly, the said observations stand deleted and the Review Petition stands allowed to the extent indicated above.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

13th November, 2015

Msr/MRR