

THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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APPEAL SUIT No.234 OF 2002

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 judgment and decree, dated 23.09.1999, in Original Petition No.241 of 1990 passed by the learned Senior Civil Judge, Peddapuram.

2. By virtue of a notification, under Section 4(1) of the Act, issued on 12.11.1987, land to an extent of 20 square yards along with a thatched hut was acquired for the public purpose of formation of Yeluru Reservoir Project. The Land Acquisition Officer (LAO) after conducting due enquiry fixed the market value of the acquired land at Rs.8/- per square yard. Not satisfied with the same, the claimant sought for reference under Section 18 of the Act and accordingly, the same was referred to the Civil Court i.e., Senior Civil Judge's Court, Peddapuram and the same was taken on file as Original Petition No.241 of 1990.

3. On behalf of the Referring Officer, no evidence was let-in. On behalf of the claimant, RWs.1 and 2 were examined and Exs.R.1 and R.2 were got marked.

4. The reference Court having considered the evidence on record, came to the conclusion that an extent of 238 square yards of land belonging to the claimant was acquired by the Government for the public purpose of formation of Yeluru Reservoir Project,

but confirmed the market value of the land at Rs.8/- per square yard. Challenging the same, the present appeal is filed.

5. Heard both sides.

6. Ex.R.1 is a copy of the registered sale deed, dated 12.01.1984 relating to other village, but the same cannot be taken as a basis for assessing the market value of the land acquired in this case. Ex.R.2 is true extract of the property register issued by the Sarpanch of Gram Panchayat. The value of the land mentioned in the property register also cannot be taken as a basis for the purpose of determining the market value of the land. It is only prepared for the purpose of collection of tax due to the Panchayat. Except these two documents, no other document was filed to show that the market value of the land is more than Rs.8/- per square yard as on the date of issuance of the notification under Section 4(1) of the Act. Therefore, in the absence of any material, we are unable to enhance the market value of the acquired land over and above the value as fixed by the LAO and as confirmed by the reference Court. The appeal is devoid of merit and the same is liable to be dismissed.

7. Accordingly, the Appeal Suit is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

JUSTICE K.C. BHANU

JUSTICE M.SEETHARAMA MURTI

Date:17.03.2015

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