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

L.A.A.S. No.187 OF 2007
AND
CROSS OBJECTIONS (SR) No.6301 of 2007

COMMON JUDGMENT:(per Hon'ble Sri Justice M.Seetharama Murti)

This appeal by the State under section 54 of the Land Acquisition Act ('the Act', for brevity) and the cross objections by the 5th claimant are directed against the Order dated 09.08.2004 in Original Petition No.83 of 1996 passed by the learned Senior Civil Judge of Sangareddy.

2. The core facts necessary for consideration, in brief, are as follows:

The lands admeasuring an extent of Ac.0-07 guntas in Sy.No.706 of claimant No.1, Ac.0-14 ½ guntas in Sy.No.581 of claimant No.2, Ac.0-14 ½ guntas in Sy.No.582 of claimant No.3, Ac.0-14 guntas in Sy.No.584 of claimant No.4, Ac.1-02 guntas in Sy.No.577 and Acs.1-23 guntas in Sy.No.585 of claimant No.5, Ac.0-26 guntas in Sy.No.576 of claimants Nos.6 and 7, Ac.0-11 guntas in Sy.No.576 and Ac.0-24 guntas in Sy.No.575 of claimants Nos.8 and 9, and Ac.0-26 guntas in Sy.No.575 of claimants Nos.10 to 14 situated at Patighanapur village were acquired by the Government for the purpose of laying PWD road from Nagulapally Railway Station to Patancheru road via Shankarpally and Patighanapur villages. After award enquiry, the LAO had fixed the compensation ranging from Rs.8,000/- to Rs.20,000/- per acre by taking into consideration a registered sale deed dated 20.02.1988 bearing document number 897, though the claimants had claimed that the market value was Rs.300/- per square yard at the relevant point of time. The claimants (including the 5th claimant), who were not satisfied with the said compensations determined and awarded by the Land Acquisition Officer (LAO) had requested for a reference to be made and accordingly a reference was made under section 18 of the Land Acquisition Act ('the Act' for brevity) to the Civil Court. Be it noted that before the civil Court, the 5th claimant was examined as PW1 and his supporting witness by name K.Ram Reddy was examined as PW2; and, the Certified Copy of the Sale Deed dated 31.03.1982 was marked as exhibit A1. On behalf of the Government, the Revenue Divisional Officer was examined as RW1 and the award was marked as exhibit B1. Having placed reliance on the evidence brought on record including exhibit A1 sale deed, the reference Court had enhanced the compensation by determining the market value of the subject land @ Rs.50,000/- per acre insofar as the claimant No.5 is concerned and had also granted all other statutory benefits. Therefore, the State had preferred the present appeal *inter alia* contending that the said compensation as determined by the Court below is not just and fair as the same is high and excessive. The 5th claimant had alone filed the cross objections claiming that the Court below ought to have determined the market value at Rs.75,000/- per acre.

3. We have heard the submissions of the learned Government Pleader for Appeals appearing for the appellant and the learned counsel for the 5th claimant-cross objector. We have perused the

material on record.

4. The learned Government Pleader for Appeals had contended that the Court below had erred in enhancing the compensation from Rs.20,000/- to Rs.50,000/- per acre without any legal and credible evidence and that such enhancement in the absence of sufficient evidence is unsustainable and that the land covered under exhibit A1 was sold for commercial purpose and that therefore, the said sale under the said document is not a comparable sale and hence the impugned judgment is liable to be set aside. Per contra, the learned counsel for the cross-objector had *inter alia,* contended that the reference Court ought to have seen that the value of the acquired land at the relevant point of time was Rs.200/- per square yard and that the land was having high potential value and was fit for use as house sites and that there was good demand for house sites even before the date of acquisition and that the land is adjacent to the village and is also abutting the main road leading to Ordinance factory and that therefore, at any rate, the award of compensation should have been @ Rs.1,000/- per square yard in view of the potentiality and the documentary evidence to that effect and that however, the cross-objector had restricted his claim to Rs.75,000/- per acre and that the Court fee was paid accordingly.

5. The only question that falls for consideration is as to whether the compensation determined @ Rs.50,000/- per acre by the reference Court is not just and fair as contended by the State? What is the just and fair compensation to which the 5th claimant is entitled to in respect of the subject lands?

6. There is no dispute about the facts. We have given earnest

consideration to the facts, the evidence on record and the submissions of both the sides. Exhibit A1-the copy of sale deed, on a perusal, it would show that the land was sold under the said document in the year 1982 @ Rs.34,000/- per acre and the said document was six years prior to the notification under Section 4(1) of the Act, which was issued in the year 1988. The sale transaction under the said document is not shown to be a collusive transaction. On the other hand, RW1, the then RDO in his evidence had admitted that long ago some industries were established near the acquired land. In his cross-examination the names of such industries which were established were also elicited. He had also admitted the suggestion that the acquired land is adjacent to the road and that the land covered by exhibit A1 was worth about Rs.34,000/- per acre and that the Patighanapur and Nagulapally villages are already developed villages and are having all amenities like schools, transport etcetera and that there is a lot of demand for the lands in those villages. Taking into consideration the admissions of RW1, the reference Court had noted that the acquired land was having potential value as the same is situated by the side of the road and in an industrial area and that the land covered by exhibit A1 sale deed is a comparable sale. Further, considering the evidence, the reference Court had observed that PW2 had sold Acs.2-15 guntas of land out of Acs.7-05 guntas in Sy.No.160 of Patighanapur village under original of exhibit A1 registered sale deed in favour of D.K. Exports, Hyderabad, for Rs.30,000/- per acre and had determined the market value of the acquired land of the 5th claimant at Rs.50,000/- per acre. As the present notification for acquisition of the subject land was issued in the year 1988 and as the transaction under exhibit A1 is of the year 1982, the court below had determined the market value of the subject land at Rs.50,000/- per acre on the basis of escalation of price of market value at the rate of 10% every year from 1982 to the end of 1987. A careful perusal of the material record would show that no document other than exhibit A1 was filed. Having regard to the escalation of prices, the reference Court had determined the land value at Rs.50,000/- per acre considering all the material facts and the evidence brought on record. Therefore, we do not find any merit either in the contention of the State that the compensation determined is high or in the contention of the 5th claimant/cross objector that the compensation determined is not just and fair. Having thus analysed and examined the evidence, we find no irregularity or illegality or impropriety in the order impugned. Therefore, we hold that the order of the court below does not brook interference. Viewed thus, we find that the appeal and the cross objections are devoid of merit and are liable to be dismissed.

7. In the result, the appeal and the cross objections are dismissed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE K.C. BHANU

JUSTICE M.SEETHARAMA MURTI

Date:05.02.2015
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