

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

APPEAL SUIT No. 3558 OF 2003

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

This is an Appeal preferred under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') by the Land Acquisition Officer –cum- Assistant Collector, Kandukur, calling in question the correctness of the order dated 09.06.2003 passed in L.A.O.P.No. 87 of 1994 which was referred under Section 18 of the Act at the behest of the claimants.

The State Government acquired the land of an extent of Ac.2.65 cents lying in Survey Nos. 468/3 and 468/4-A of Nennurpadu Village of Kondepi Mandal, Prakasam District for providing house sites to the weaker sections. The Land Acquisition Officer has fixed the market value at Rs.8,000/- per acre. Dissatisfied by this fixation of the market value, the claimants sought for a reference and that is how, the learned Senior Civil Judge, Kandukuru dealt with the reference under Section 18 of the Act. By its order dated 09.06.2003, the Court has enhanced and fixed the market value at Rs.15,000/- per acre. Calling in question this enhancement as an unreasonable one, the present Appeal has been preferred by the State.

It will be relevant to notice that the claimants have pointed out that the land is black cotton soil land and it was used for raising commercial crops, such as tobacco and chillis. The land is adjoining the village and it is claimed that it has got potentiality to be laid out as house sites and if it is sold as such, each acre would fetch nearly Rs.75,000/-.

In support of the claim, two witnesses were examined and Ex.A1 certified copy of the registered sale deed dated 12.04.1991 was also got marked on behalf of the claimants. The Revenue Divisional Officer was examined as R.W.1 and the Mandal Surveyor as R.W.2. The Award passed by the Land Acquisition Officer was marked as Ex.B1.

It is brought out that the State Government has implemented lift irrigation system and hence, the lands in question apart from several other lands are being

cultivated. This apart, the location of the land has been found to be proximately close to the main village. Going by the contents of Ex.A1 sale deed, the property covered by the said sale deed was purchased at Rs.80,000/- per acre. It is, in fact, C.W.2 who purchased the said land covered by Ex.A1 for a total consideration of Rs.17,900/-, but however, the learned Senior Civil Judge did not accept the statement made by C.W.2 as there was a discrepancy clearly made out between the consideration mentioned for the transaction and the value ultimately reflected in the document. In our opinion, this finding recorded by the learned Senior Civil Judge does not call for any interference at our hands. When once there was a noticeable discrepancy, a suspicion would normally arise in the mind of a Court as to whether the transaction covered by the document is a genuine one at all or it was only brought out for the purpose of securing enhanced compensation amount. But however, taking into account the potentiality of the land, which is proximately close to the main village and also the fact that it is lying next to Harizanwada and also taking into account and consideration the fact that the lands, which are adjoining the lands now acquired, are all cultivated due to the lift irrigation facilities provided by the State Government, the learned Senior Civil Judge has considered that the value of the land could be fixed at Rs.15,000/- per acre.

Sri A.V. Sivaiah, learned Government Pleader for Appeals (Andhra Pradesh) would strenuously submit that no formula is adopted by the Sub-Court for enhancing the market value by nearly 100% than the one which was arrived at by the Land Acquisition Officer. However, it should not be lost sight of that fixation of market value at Rs.8,000/- per acre by the Revenue Divisional Officer was not even based upon a proper appreciation of the contemporary sales of the lands in the locality or the periodical market value fixed by the State Government for the purpose of collecting registration charges and stamp duty for transfer of such immovable properties. While fixing the market value, some kind of approximation is always called for. Very precisely it would be difficult for one to calculate the market value.

Therefore, in our opinion, the learned Subordinate Judge got guided by the principles enunciated ***in State of U.P. v. Rajendra Singh (1996 (1) ALD (S.C.S.N.) 44, B. Narasimha Reddy v. Revenue Divisional Officer (L.A.O.), Nalgonda (1996 (1) ALD 1095 (D.B.) and Land Acquisition Officer, Revenue Divisional Officer, Chittoor v. L. Kamalamma (1998 (1) ALD (S.C.S.N.) 31*** and fixed the market value at Rs.15,000/- per acre. Hence, we have not found any warrant for interference with

the fixation of such market value. We do not find any merit in this Appeal and it is accordingly, dismissed. No costs.

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

NOOTY RAMAMOHANA RAO, J

ANIS, J

04th November 2015

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