

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

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L.A.A.S. No. 343 OF 2007

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 Order and decree, dated 01.04.2005 in Original Petition No.47 of 1997 on the file of the Senior Civil Judge, Vikarabad, Ranga Reddy District.

2. The brief facts are as follows:

An extent of Ac.1.16 guntas of land in Survey No.165/3 of Alampalli village of Vikarabad mandal belonging the respondent/claimant was acquired for public purpose of doubling of railway line by issuing a notification under Section 4(1) of the Act on 19.11.1993. After conducting due enquiry, the Land Acquisition Officer (LAO) passed an Award dated 19.03.1996 fixing the market value of the land acquired at Rs.36.30 ps. per square yard. Not satisfied with the same, the respondent/claimant made an application to the District Collector to refer his application to competent civil court under Section 18 of the Act for the purpose of determination of the market value of the land. Accordingly, it was referred to the reference Court, which took the same on file as Original Petition No. 47 of 1997.

3. Before the reference Court, on behalf of the claimant, PWs.1 and 2 were examined and Exs.A.1 to A.3 were got marked, and on behalf of the LAO, R.W.1 was examined and Ex.B.1-Award proceedings was got marked.

4. Vide the impugned order, the reference Court, considering the evidence on record, particularly with reference to Ex.A3, enhanced the

compensation of the land acquired from Rs.36.30 ps. per square yard to Rs.117/- per square yard with 1/3rd deduction, with all statutory benefits.

Challenging the same, the LAO filed the present appeal.

5. Learned Government Pleader for Appeals (Telangana) contended that the enhancement of the compensation by the reference Court is without any rational basis and there is no acceptable evidence to substantiate the enhancement, and in the absence of any evidence, the compensation cannot be said to be proper; that the reference Court ought not to have relied upon copy of the judgment under Ex.A3, and hence, he prays to set aside the impugned order and decree.

6. Learned counsel for the respondent contends that the reference Court, after considering the evidence available on record rightly awarded the compensation and that order needs no interference by this Court.

7. Now the point for consideration is whether the compensation fixed by the reference Court is just and proper?

8. Facts are not in dispute. As per Section 23 of the Act, in determining the amount of compensation to be awarded for the land acquired under this Act, the Court shall take into consideration *inter alia*, the market value of the land on the date of the publication of the Notification under Section 4, sub-section (1) of the Act. The Reference Court has to take normally into consideration the evidence as well as the sale transactions prior to the date of notification for the purpose of determination of market value of the lands acquired. For fixing the correct market value of the land acquired, the reference Court placed reliance on Ex.A3, which is certified copy of the judgment dated 02.08.2001 passed by the same Court in Original Petition No.51 of 1995. It is not in dispute before this Court that Ex.B1-Award was passed by the LAO fixing the market value of the land acquired therein,

by placing reliance on the earlier Award dated 31.12.1993. The earlier Award dated 31.12.1993 was under challenge before the reference Court in Original Petition No.51 of 1995. The reference court, after considering the evidence on record in the said Original Petition, fixed the market value in the said case at Rs.117/- per square yard with 1/3rd deduction. The lands covered under the said Award and the land acquired herein, are in the same survey number and in the same village. Therefore, the market value as fixed under Ex.A3 can safely be taken into consideration for the purpose of determination of the correct value of the land acquired in this case. In view of the fact that Ex.A3-judgment has become final, the reference Court rightly placed reliance on Ex.A3 and passed the impugned order. Therefore, the impugned order needs no interference by this Court.

9. Accordingly, the appeal 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

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JUSTICE M.SEETHARAMA MURTI

Date: 19.01.2015
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20.01.2015