

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

L.A.A.S.No.824 OF 2006

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 11.03.2004, in Original Petition No.53 of 2001 on the file of the Senior Civil Judge, Nalgonda.

2. Land to an extent of Ac.4.56 cents, Ac.1.50 cents and Ac.0.94 cents of dry land in Sy.No.271 of Thoragal Village, Kanagal Mandal, Nalgonda District was acquired by the Government for providing house sites to weaker sections of the society. Draft notification and draft declaration were made in District Gazette on 04.03.1982. The enquiry under Section 5(a) of the Act was dispensed with by invoking Section 17(4) of the Act. The Award, dated 30.01.2001, was passed to an extent of Ac.4-56 cents by awarding Rs.1,400/- per acre, after taking into consideration all the sale transactions that took place during the years 1979-1982. Having not satisfied with the same, the claimant filed an application under Section 18 of the Act to refer the matter to a competent Civil Court for determination of the appropriate and proper compensation. Accordingly, the matter was taken on file by the Reference Court.

3. On behalf of the claimant, PWs.1 to 3 were examined and Exs.A-1 to A-4 were marked. On behalf of the respondent, neither oral evidence was adduced nor documents were marked.

4. The Reference Court, after considering the evidence on record, did not enhance the compensation and answered the reference holding that the L.A.O. had awarded adequate compensation for the lands acquired in respect of Ac.4.56 cents and Ac.1.50 cents; that the L.A.O. had not paid any compensation for Ac.0.94 cents of land and hence, the Government

has to pay the value at the rate of Rs.1,400/- per acre for Ac.0.94 cents of land. Challenging the same, the present appeal is filed by the claimant.

5. Now the point for consideration is whether the appellant/claimant is entitled for enhancement of compensation as prayed for or not?

6. **POINT:** There cannot be any dispute that the burden is on the claimants to establish or prove the market value of the land acquired at the time of notification. Before the Reference Court, except the oral evidence of P.Ws.1 to 3, no document is filed to show the value of the land acquired by the Government at the time of issuing notification under Section 4(1) of the Act. Therefore, the Reference Court rightly passed the impugned order, as the appellant failed to establish the same. Hence, there are no grounds to interfere with the impugned order and the appeal is liable to be dismissed.

7. 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

JUSTICE M.SEETHARAMA MURTI

Date: 22.01.2015
AMD


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