

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE S.RAVI KUMAR

A.S.NO.2289 OF 2002

JUDGMENT: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

This appeal is preferred against the judgment passed by the Learned Subordinate Judge, Madanapalle in O.P.No.128 of 1988 dated 29.10.1996. The appellants are the legal representatives of the claimant in O.P.No.128 of 1988. The notification, under Section 4 (1) of the Land Acquisition Act, 1894 ("the Act" for brevity), was issued on 02.11.1983 for acquiring, among others, the subject land for the purpose of excavation and construction of irrigation canals. The Land Acquisition Officer (LAO) passed an award on 25.08.1996 classifying the lands under acquisition into three groups. The first group consisted of wet lands; the second group of irrigated dry lands and the third group of rain-fed dry lands. The wet lands were again divided into six categories. The LAO fixed the market value for the wet lands under different categories at between Rs.10,000/- to Rs.13,000/- per acre. With regards the second group of lands i.e., irrigated dry lands, the LAO fixed the market value at Rs.6,800/- per acre. With regards the third category of rain-fed dry lands, the LAO fixed the market value at Rs.5,650/- per acre. Aggrieved by the fixation of the market value, the claimants sought reference; and, on the matter being referred to Court below, the order under appeal came to be passed.

In the order under appeal, the learned Subordinate Judge noted that the claimant had examined himself as R.W.1, and had exhibited a registered copy of the sale deed executed by Sri T.Masthan Reddy, who was the claimant in O.P.No.11 of 1988 and 15 of 1988, in favour of Sri Krishnaiah dated 12.01.1982, whereby an extent of nine cents of land was sold for Rs.2,000/-. The Learned Judge observed that, while the said sale transaction took place prior to publication of the draft

notification, R.W.1, in cross examination, had admitted that Sri T.Masthan Reddy (claimant in O.P.No.11 of 1988 and the vendor of the sale deed dated 12.01.1982) functioned as the President of the Gram Panchayat for Papepalle Village; and in 1982 itself they learnt that the Government was proposing to acquire the lands. The Learned Judge took note of the evidence of R.W.1, in O.P.No.14 of 1987, that the concerned officials were frequently visiting the lands ever since five to six years prior to acquisition with a view to acquire them and held that, therefore, Ex.B1 could not be treated as a genuine transaction reflecting true consideration. The Learned Judge observed that no witnesses were examined in connection with the sale deed; and that Ex.B1 must be excluded from consideration. On the ground that the evidence, both oral and documentary, let in by the claimant did not justify enhancement of the market value, the learned Judge dismissed the O.P. and confirmed the market value fixed by the LAO.

Before us Sri D.Kodandarami Reddy, learned counsel for the appellants, would reiterate the submissions urged by the claimants before the Court below. Learned counsel would submit that the market value of rain-fed dry lands was Rs.50,000/- per acre on the date of the notification under Section 4 (1) of the Act; and the Court below had erred in not enhancing the compensation.

The only evidence let in by the appellant herein, before the Court below, was his self-serving oral testimony. The only document, on which reliance was placed by the claimants in the batch of O.Ps, was the sale deed dated 12.01.1982 which the Court below has rightly excluded from consideration holding that it was not a genuine sale as it appeared to have been executed after coming to know that the subject lands were proposed to be acquired. In the absence of any other evidence on record justifying increase in the market value of the lands, the order of the Court below cannot be faulted. We see no reason, therefore, to interfere with the order passed by the Court below.

The appeal is, therefore, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

-

(RAMESH RANGANATHAN, J)

(S.RAVI KUMAR, J)

10th September 2015
RRB