

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

A.S.Nos. 1285, 1302, 1308 AND 1304 of 2003

ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

All these four appeals arise out of common order dated 30.12.2002 passed by the Principal Senior Civil Judge, Nellore, entertaining the O.Ps which have been referred to the said Court under Section 18 of the Land Acquisition Act (for short 'the Act').

The notification under Section 4(1) of the Act was got published on 20.07.1992 proposing to acquire a stretch of land of Ac.73.62 cents for purposes of formation of a bypass road to the existing national highway. The Land Acquisition Officer in his award, taking into consideration and account the nature and tenure of the land, has divided it into three categories. In the first category, lands which have got potentiality as house sites have been organized. In the second category, the lands which are capable of yielding agricultural/horticultural operations are classified. In the third category, otherwise waste lands are made to fall.

The Land Acquisition Officer has determined the market value for lands falling in the first category at the rate of Rs.85,000/- per acre. For the second category, he arrived at a market value of Rs.65,000/- per acre and for the third category of lands, he determined the market value as Rs.50,000/- per acre. Not satisfied with the determination of market value and compensation payable by the Land Acquisition Officer, the claimants sought for a reference under Section 18 of the Act and that is how the O.Ps came to be entertained by the learned Principal Senior Civil Judge, Nellore. By the common order dated 30.12.2002, the market value of the first category of lands has been enhanced from Rs.85,000/- per acre to Rs.1,30,000/- per acre and for the second category of lands, the market value was enhanced from Rs.65,000/- to Rs.1,00,000/- per acre and the market value of the third category of lands have been fixed at Rs.85,000/- per acre, enhancing it from Rs.50,000/- as determined by the land acquisition officer. It is against the said order, the present appeals have been preferred by the State under Section 54 of the Land

Acquisition Act.

It is now brought to our notice that this Court had an occasion to deal with similar appeals bearing A.S.No.1303 of 2003 and batch, which also arose out of the same land acquisition notification dated 20.07.1992 and by a common judgment rendered in the batch of appeals on 11.03.2014, this Court held that the Reference Court has rightly relied on Ex.A-2, whereby, land admeasuring Ac.2.16 cents was sold for an amount of Rs.2,11,000/- by an endowment institution at Nellore in public auction. Therefore, this Court has considered that the sale of immovable property through public auction can be taken as a comparable sale without any hesitation, inasmuch as, the consideration at public auctions would normally reflect the going price in the open market. Ex.A-2 sale deed is dated 20.03.1983. Whereas, the lands in question were acquired through the notification got published on 20.07.1992, nearly, 8 years thereafter. Thus, by following the 10% escalation formula on the market value reflected in Ex.A-2, this Court has arrived at a finding that fixing the market value of lands falling in the first category at Rs.1,30,000/- as a fair and reasonable one and further, upheld a similar order passed upon reference by the learned Principal Senior Civil Judge, Nellore.

Since the present batch of appeals arise from out of the very same notification, published under Section 4(1) of the Act and the same process of reasoning found in the common order of reference by the learned Principal Senior Civil Judge, Nellore was approved by this Court by judgment dated 11.03.2014 and since the reasoning assigned by this Court, is an appropriate one, in our judgment, we subscribe to the same view and affirm that fixation of the market value for all the three different categories of lands as reflected in the common order as that would certainly appear to be on a reasonable basis and hence, we have no hesitation to dismiss these appeals and affirm the order of reference passed by the learned Principal Senior Civil Judge on 30.12.2002.

Accordingly, all these appeals fail and they are dismissed, but however without costs.

Consequently, miscellaneous appeals if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

03.11.2015

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