

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

L.A.A.S.No.19 of 2006

JUDGMENT:

This appeal is preferred by the State aggrieved by the order of the Reference Court answering the reference by enhancing the market value fixed at Rs.7,600/- per acre by Land Acquisition Officer to that of Rs.18,000/- per acre.

The land in question has been acquired for purposes of construction of Velgode balancing reservoir under Telugu Ganga Project, a massive Irrigation Project. The notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') was issued on 14.05.1984 and the Land Acquisition Officer passed the award on 20.05.1985. He has classified the land as falling into 6 categories and finding that the land in question fell in category-III and fixed the market value at Rs.7,600/- and that was enhanced by the Reference Court entertaining reference under Section 18 of the Act, to Rs.18,000/- per acre.

We have perused the order passed by the Reference Court. We have also noticed that entertaining similar claims the reference Court has awarded market value enhancing from Rs.7,600/- to Rs.18,000/- per acre for all category-III type of lands. Right at this stage, it is appropriate to notice that challenging a similar award when Land Acquisition Appeal Suit No.281 of 2007 was preferred, this court has dismissed the said appeal. Further when cross objections have been filed the same were also got inquired into by this Court and for the category-III lands falling in Bhannumukkala Village compensation has been awarded @ Rs.30,000/- per acre. Even in the instant case the lands in question are falling in the same Bhannumukkala Village. In fact, even as lately as on 08.10.2013 dealing with another appeal L.A.A.S.No.1902 of 2005, a Division Bench of this Court has come to the same conclusion as was done by this Court earlier and recorded a finding that the market value of category-III land in Bhannumukkala Village would be fetching Rs.30,000/-, but unfortunately, in the instant case, the respondents are not represented inspite of receipt of notice. Therefore, following the two earlier judgments and also finding the reasons recorded by the Reference Court as fair and reasonable, we can only dismiss the appeal suit.

Accordingly, the Land Acquisition Appeal Suit is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

09.11.2015

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