

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

-

APPEAL SUIT No.1147 OF 2002

-

JUDGMENT: (per Hon'ble Sri Justice M.Seetharama Murti)

This is an appeal under Section 54 of the Land Acquisition Act by the Land Acquisition Officer-cum-Sub-Collector assailing the order dated 28.09.2000 passed by the learned Senior Civil Judge, Bhongir in Original Petition No.37 of 1987.

2. We have heard the submissions of learned Government Pleader for Appeals appearing for the appellant and the learned counsel for the respondents. We have perused the material record.

3. The basic facts necessary for consideration, in brief, are as follows:-

The Government had acquired Ac.2-00 guntas of land in survey No.117/2 and Acs.2-96 cents in survey No.118/2, i.e., total extent of Ac.4-96 cents situated at Medikunatapally, Hamlet of Motakondur Village, Yadagirigutta Mandal, for the purpose of providing house sites to weaker sections. After due award enquiry, an award was passed by the Land Acquisition Officer and compensation for the acquired land was determined at the rate of Rs.2,000/- per acre. Having not been satisfied with the said determination of compensation, the claimants had sought reference to the Civil Court by filing an application under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act'). On a reference made, the aforementioned original petition was taken on file by the learned Senior Civil Judge, Bhongir. At trial, P.Ws.1 to 4 were examined and exhibits A1 to A12 and X1 were marked on the side of the claimants. No evidence was adduced on the side of the respondent i.e., the appellant herein; but, exhibit B1, which is the thumb impression of PW1's father on the notice of the award under Section 12 (2) of the Act in Form-9 dated 6.03.1987 was only marked. On merits, the reference Court enhanced the compensation from Rs.2,000/- per acre to Rs.10,000/- per acre and had further held that claimants are

entitled to all statutory benefits. Aggrieved of the said orders, the Land Acquisition Officer is before this Court.

4. The learned Government Pleader for Appeals appearing for the appellant had submitted that the Court below had given importance to an un-registered sale deed relied upon by the claimants and that the claimants did not adduce any credible documentary evidence to show that they had derived any income from the acquired land and that the Land Acquisition Officer had fixed the market value by taking into consideration the comparable sales and that the Court below without any reliable evidence had enhanced the market value of the acquired land and that the enhanced compensation is high and excessive. He, therefore, had prayed for allowing the appeal and setting aside the impugned order.

5. On the other hand, learned counsel for the respondents/claimants had submitted that the reference Court has placed reliance on exhibit A1, whereunder the land was sold for Rs.16,000/- per acre and that despite the fact that the claimants had adduced sufficient evidence that the value of the acquired land was Rs.16,000/- per acre at the relevant time, the reference Court had granted Rs.10,000/- only per acre; and that therefore, the compensation awarded cannot be said to be not just and fair and that the land is having great potential value and hence, there are no merits in the appeal.

6. Now the point for consideration is – ‘Whether the compensation determined by the reference Court is not just and fair as contended by the appellant?’

7. There is no dispute with regard to the facts. As already noted by notification dated 19.12.1985 issued under Section 4 (1) of the Act, a land in an extent of Rs.4-96 cents in survey Nos.117/2 and 118/2 situated at Medikunatapally, Hamlet of Motakondur Village, Yadagirigutta Mandal was acquired; and, possession was taken on 15.02.1986. The reference Court having considered exhibit A1/registered sale deed, dated 11.03.1985, which was executed prior to notification, had determined the market value at the rate of Rs.10,000/- per acre though the value of the acquired land as per the sale transaction in the said document was said to be Rs.16,000/- per acre. The reference Court had also considered other evidence on record. The land is admittedly acquired for providing house sites to weaker sections of the society, which itself is indicative of the fact that the land is fit for use as house

sites in the near or immediate future and it has got potential value and is fit for use as house sites. PWs 2 and 4 are the persons who had purchased the plots under exhibits A1 and X1. Exhibit A1 is the certified copy of the sale deed dated 11.03.1995. Exhibit X1 is a receipt dated 09.04.1985. The sale transactions under the said documents are not shown to be collusive transactions and no rebuttal evidence was adduced on the side of the appellant before the reference Court. Besides the above documents, the copies of pahanies were also filed and exhibited as exhibits A2 to A12. The same on a perusal would show that commercial crops were raised in the acquired land during the relevant periods covered by the said documents. The evidence brought on record would show that there were Mango trees in the acquired land and the same were yielding income and that the land is situated close to the village. Therefore, not only by considering exhibits A1 and X1 but also having regard to exhibits A2 to A12 and the oral evidence of PWs 1 to 4 and also the potential value of the land, the Court below has rightly determined the compensation for the acquired land @ Rs.10,000/- per acre. Having carefully analyzed the evidence on record and considering the facts and circumstances of the case, we find that the compensation determined by the reference Court is just and proper and that therefore, the order impugned needs no interference. Viewed thus, we find that there is no merit in the appeal.

8. In the result, the Appeal is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

K.C.BHANU, J

M.SEETHARAMA MURTI, J

FEBRUARY 10, 2015

YVL