

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

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L.A.A.S. No.471 OF 2009

JUDGMENT:(per Hon'ble Sri Justice K.C.Bhanu)

This appeal, under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') read with Section 96 of the Code of Civil Procedure, 1908, is filed by the appellants/claimants challenging the Order and decree, dated 23.02.2006, in Original Petition No.5 of 1998 passed by the Principal Senior Civil Judge, Asifabad, whereunder and whereby the Original Petition filed in pursuance of the petition filed by the claimants under Section 18 of the Act was allowed enhancing the market value of the acquired land at Rs.15,000/- per acre from Rs.11,520/- per acre with all other statutory benefits.

2. Brief facts that are necessary for the disposal of the present appeal may be stated as follows:

Land to an extent of Acs.10.01 Gts., in Sy.Nos.19/A and 20/AA of Peddampet village in Adilabad District was acquired for public purpose of providing house sites to weaker sections of the society. Notification under Section 4(1) of the Act was published in the District Gazette on 24.03.1992. After enquiry, the Land Acquisition Officer fixed the market value of the land at Rs.11,520/- per acre. Having not satisfied with the same, the claimants sought reference to a competent Civil Court. Accordingly, the matter was taken on file by the reference Court as O.P.No.5 of 1998.

3. On behalf of the Land Acquisition Officer, PW.1 was examined and Exs.A.1 to A.12 were got marked and on behalf of the respondents/claimants, RWs.1 to 3 were examined and Exs.B.1 to B.3 were got marked.

4. The reference Court, after considering the evidence on record, enhanced the compensation from Rs.11,520/- per acre to Rs.15,000/- per acre. Challenging the same, the present appeal is filed.

5. Learned counsel for the appellants contended that the Land Acquisition Officer himself admitted in his evidence that the lands were being sold in the years 1990 at Rs.11,000/- @ Rs.12,000/- and Rs.25,000/- per acre in Sy.Nos.91, 95 and 67 respectively and therefore, he prays to enhance the compensation.

6. On the other hand, learned Government Pleader for Appeals contended that the claimants failed to adduce any oral or documentary evidence to show that the market value of the acquired land is Rs.26,000/- per acre as on the date of Notification; that the reference Court rightly enhanced the compensation to Rs.15,000/- per acre; that there are no grounds to interfere with the order under challenge and therefore, he prays to dismiss the appeal.

7. Now the short point that falls for consideration is:

Whether the appellants are entitled for enhancement of compensation?

POINT:

8. Burden is on the claimants to establish the market value of

the acquired lands on the date of Notification issued under Section 4(1) of the Act. The claimants have not filed any document to show the same. As per Ex.A.6, value of the land is only Rs.15,000/- per acre as on the date of issuance of notification. But, the learned counsel for the appellants/claimants relied upon Ex.A.9, which is award copy. There cannot be any dispute that award copy cannot be taken as an evidence. Therefore, the award copy is not admissible under law and it cannot be relied upon for the purpose of enhancing the compensation. The appellants failed to establish the market value of the land as Rs.26,000/- per acre as on the date of issuance of Notification. In the absence of any evidence, it cannot be said that the market value of the land is Rs.26,000/- per acre. The Court below rightly relied upon the sale deeds and fixed the compensation at Rs.15,000/- per acre and that order needs no interference by this Court. Point is answered in favour of the respondent against the claimants.

9. 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

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JUSTICE M.SEETHARAMA MURTI

Date:21.01.2015

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