

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE MRS. JUSTICE ANIS

A.S. No. 1246 OF 2003

J U D G M E N T: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The Land Acquisition Officer preferred this Appeal under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act'), calling in question the enhancement of the market value for the acquired lands from Rs. 12,000/- to Rs.24,000/- per acre by the Additional District Judge's Court at Nizamabad (civil Court), which entertained the reference made under Section 18 of the Act.

The Special Deputy Collector, Sriramsagar Project, SLBC, Hyderabad has proposed acquisition of Acs.9.00 of land belonging to the claimants for a public purpose, namely excavation of a tail-end from K.Ms. 10.500 to 13.00 situate in Dharmora Village, Mortad Mandal, Nizamabad District. The notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was published in the A.P. Gazette on 04.06.1991. The Collector passed his Award, which was not even exhibited before the civil Court by him. He fixed the market value of the land at Rs.12,000/- per acre.

On behalf of the claimants, four witnesses have been examined as R.Ws. 1 to 4. They also got marked the extracts of two sale deeds as Exs.B1 and B2 and the judgment rendered by the civil Court in O.P.No. 203 of 1991 as Ex.B3.

R.W.1 has clearly brought out that the Village Dharmora is situate at a distance of 25 K.Ms. from Sriramsagar Project and it is away by 15 K.Ms. from the mandal headquarters. The lands in question were utilized for raising paddy cultivation and maize or turmeric commercial crops. The village has got good quality civic facilities, such as RTC bus stand and other utilities. It is not in dispute that the land itself was acquired as part of implementation of Sriramsagar Project, a major irrigation work. The claimants therefore, claimed market value of the land in question at Rs.70,000/- per acre.

As part of the same project, lands in upper reach villages, namely Shetpally, Ranjerla, Nagampet, Kothapalli, Mupkal and Nallur have also been acquired. The Land Acquisition Officer, without any regard for the relevant factors, has fixed the market value at Rs.12,000/- per acre.

The civil Court has noticed that there were large scale sale transactions of land in the vicinity and based upon the judgment rendered by this Court in ***Secretary, Revenue Department, Hyderabad v. Nagaboina Venkataiah (Law Summary A.P. 1996(1) 529)*** and also the other relevant principles, has arrived at the finding that the market value of the land deserves to be enhanced to Rs.24,000/- per acre.

After perusing the entire material on record as well as the evidence brought before the reference Court, we are convinced that a very conservative estimate has been indulged in by the civil Court while fixing the market value at Rs.24,000/- per acre, taking into account the acquisition of large extents of land for an irrigation project, irrespective of the advantages of the village through which the lands are passing. In these set of circumstances, we do not find any justifiable reason or ground for interfering with the order passed by the reference Court and accordingly, we dismiss this Appeal. No costs.

Consequently, the miscellaneous Applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

03rd February 2016

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