

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4612 of 2014

Dated 05th February, 2015

Between:

M.Sanjeeva Reddy and another

...Petitioners

And

Special Deputy Collector, L.A., Unit-1, Outer Ring Road Project,
HUDA Complex, Tarnaka, Hyderabad

...Respondent

Counsel for the petitioners: Sri N.Naveen Kumar

Counsel for the respondent: ----

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 12.09.2014, in I.A.No.2402 of 2014 in L.A.O.P.No.1322 of 2011, on the file of the learned Special Sessions Judge for trial of cases under SC/ST (POA) Act-cum-Additional District & Sessions Judge, Ranga Reddy District.

The petitioners are claimants before the lower Court in the proceedings under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') for enhancement of compensation. Evidently, they have not claimed any compensation for Amla trees before the Land Acquisition Officer. After the dispute was referred under Section 18 of the Act, they have filed I.A.No.289 of 2014 under Order VI Rule 17 CPC for introducing the claim of compensation for Amla trees to the tune of Rs.10,00,000/-. During the trial, one D.Uma Devi, Assistant Director of Horticulture, Ranga Reddy District was examined as PW.3. In her chief examination, she has deposed that Amla trees start yielding after five years of plantation and that each tree can yield 80 to

110 kgs of Amla per year. Evidently, drawing inspiration from this evidence, the petitioners have once again sought for amendment of the claim statement by filing I.A.No.2402 of 2014. This application has been dismissed by the lower Court by the order under revision.

The undisputed facts of this case reveal that the petitioners have been seeking to improve their case from time to time. As noted earlier, initially no claim for Amla trees was made. By way of amendment in the claim statement, the petitioners have claimed Rs.10,00,000/-. Now, they have sought to raise the claim to Rs.60,00,000/- purportedly based on the evidence of PW.3.

In my opinion, the petitioners cannot be permitted to alter their stand from time to time with regard to compensation. Being agriculturists, they cannot claim ignorance of the likely yield of Amla trees. They are apparently trying to take advantage of the evidence of PW.3, a *priama facie* perusal of which, would show that she made a bald statement and regrettably, nothing is elicited from her cross-examination. Be that as it may, as observed by the lower Court, the petitioners cannot be permitted to vary their claim based on the evidence of the witnesses.

For the above-mentioned reasons, I do not find any reason to interfere with the order of the lower Court. The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.No.6315 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

05th February, 2015
VGB