

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

LAAS No.213 of 2013

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This appeal is preferred by the Special Deputy Collector-cum-Land Acquisition Officer, Srisailam Right Branch Canal, Nandyal, Kurnool District, under Section 54 of the Land Acquisition Act, 1894, aggrieved by the order and decree passed on 18.08.2011 in O.P.No.337 of 2009 on the file of the II Additional Senior Civil Judge's Court, Nandyal.

By a draft notification issued under Subsection (1) of Section 4 of the Land Acquisition Act, which was published in the Andhra Pradesh Gazette issue dated 25.08.2005, followed by publication in the newspapers of issue dated 28.08.2005, 657 structures/houses including 41 open sites of a total extent of 45,481.50 square meters of Cherlopalle Village, Owk Mandal have been acquired for a public purpose, namely construction of Owk Reservoir Complex Phase-II. The Land Acquisition Officer-cum-Special Deputy Collector, S.R.B.C, Kurnool, inspected all the buildings along with the Deputy Executive Engineer, Deputy Inspector of Survey and Special Surveyors prior thereto, between 27.07.2005 to 30.07.2005. Thus, after a careful enumeration and inspection of the structures, the process of land acquisition has been initiated. Again, the Land Acquisition Officer has undertaken a joint inspection between 15.05.2006 to 17.05.2006 along with the Executive Engineer, SRBC Division-II, Owk. After verifying each structure, the plinth area occupied by it, the age of the structure etcetera, have been noted down in detail. But however, the Executive Engineer, S.R.B.C Division, Owk has not submitted the estimates regarding the value of the structures to the Land Acquisition Officer. Then, the Collector and District Magistrate, Kurnool, has taken up the issue with the Superintending Engineer, Roads & Buildings Department, Kurnool for preparation and submission of estimates within a period of one month for the structures/houses which have been acquired. Accordingly, the Executive Engineer of the Roads & Buildings Department, Kurnool has submitted estimates to the District Collector, Kurnool for the structures and houses of Cherlopalle which were acquired. Those estimates prepared by the Executive Engineer, R & B Department, Kurnool District were furnished to the Executive Engineer, S.R.B.C Division, Owk,

Kurnool District for verification and counter signature. The Executive Engineer, S.R.B.C Division, Owk returned the estimates prepared by the Executive Engineer, R & B Department, without accepting the same on the ground that there was variation with regard to the plinth areas mentioned in the draft notification issued under Section 4(1) and the declaration published under Section 6. The Executive Engineer, S.R.B.C Division, Owk, has also objected to accept the estimates prepared by the R&B Department on the ground that those estimates are prepared based on municipal standard norms, whereas, Cherlopalle is a village. Subsequently, the Executive Engineer, S.R.B.C Division, Owk prepared the estimates adopting Standard Schedule Rates (SSR) for the year 2006-2007 and furnished the same to the Land Acquisition Officer. The total estimated value of the structures was arrived at by the Executive Engineer, S.R.B.C Division, Owk at Rs.8,70,84,022/-. The Land Acquisition Officer, in the process of making his Award No.10/2006-07, which was passed on 31.03.2007, discarded completely the estimates prepared by the R&B Department and went by the estimates prepared by the Executive Engineer, S.R.B.C Division, Owk and passed an award fixing the market value in a sum of Rs.8,70,84,022/-. This valuation did not include the value of the site on which the structures are standing and the site value was assessed separately. Since the Sub-Registrar, Owk has informed the value of the house sites at Rs.155/- per sq. yd, the Land Acquisition Officer has worked out accordingly the rate per sq. mtr as Rs.185/- and hence, the market value for the house site was fixed at the rate of Rs.185/- per sq. mtr.

The Land Acquisition Officer has conducted the award enquiry on 21st and 23rd of March, 2007, duly furnishing a notice of 15 days time. At that stage, the claimants requested for enhancing the estimated value of each house, as determined by the Executive Engineer, S.R.B.C Division, Owk, by 50%, so that, a consent award can be passed. Reacting favourably to this request of the claimants, the Land Acquisition Officer has submitted necessary proposals to the District Collector, Kurnool, for enhancing the estimated value by 50%. However, the proposal of the Land Acquisition Officer has been rejected by the District Collector. Hence, the Land Acquisition Officer went ahead and passed his Award No.10/2006-07 dated 31.03.2007.

Not satisfied with the same, the claimants sought for a reference under Section 18 of the Land Acquisition Act, to be made to the Civil Court. That is how the II Additional Senior Civil Judge's Court at Nandyal, Kurnool District

came to entertain O.P.No.337 of 2009.

On behalf of the Referring Officer, two witnesses were examined as P.W.1 & P.W.2. Two exhibits, Ex.A-1 and Ex.A-2 were also got marked. Sri S. Satyam, who was working as a Special Deputy Collector, S.R.B.C, Nandyal since 30.03.2011 was examined as P.W.1. One Sri M. Sravan Kumar working as a Deputy Executive Engineer, S.R.B.C. Sub Division-II, Owk, Kurnool District was examined as P.W.2. Sri M. Sravan Kumar was working as Deputy Executive Engineer, S.R.B.C. Sub Division-II, Owk, Kurnool District, since May 2009. Earlier thereto, he worked as an Assistant Engineer, Sub Division No.4, S.R.B.C, Owk during 2002-2009. Ex.A-1 is the copy of the Award No.10/2006-2007 dated 31.03.2007. Ex.A-2 is the estimate prepared by the Executive Engineer, S.R.B.C Division, Owk.

On behalf of the claimants, R.Ws1 to 5 were examined and Exs.B-1 to B-6 were got marked on their behalf. R.W-5 Sri K. Jaya Bharath, is a private engineering professional, who has earlier worked in the Municipal Administration Department of the State Government and retired, has prepared common data on 05.05.2007. That was marked as Ex.B-4. He also prepared estimates on 18.05.2007 which are marked as Ex.B-6. A common lead statement prepared by R.W-5 on 05.05.2007 was marked as Ex.B-5. Ex.B-1 is a certified copy of a registered sale deed dated 30.08.1997 executed by R.W.2 Y. Pedda Satyanarayana Reddy in favour of Pachipala Jakarayya. Ex.B-2 is the common data prepared by Srisailam Right Branch Canal (SRBC) Engineers on 04.02.2006. Ex.B-3 is the lead statement prepared by the same engineers on 04.02.2006.

P.W.1 has at the very outset has stated that he has taken charge as a Special Deputy Collector, S.R.B.C, Nandyal only on 30.03.2011, i.e. four years after the award was made on 31.03.2007. He narrated the facts as are available in the government file as he is not personally aware of the facts leading up to making of Award No.10/2006-07 dated 31.03.2007. He was examined, as by then, the Land Acquisition Officer has retired from service. P.W.1 has spoken that R&B Engineers of Kurnool have prepared their estimates based on the 'rates applicable in municipal area' and also taking in to account the rates applied for 'four laning work' of National Highway No.7. P.W.1, in his cross-examination has admitted that Chinna Tekuru was a village while Venganna Bavi was included within the limits of Kurnool Municipal Corporation. P.W.1 tried to support the award passed on 31.03.2007 as SSR rates of 2006-2007

were adopted. During the cross-examination, he had deposed: “.....It is true that L.A.O sent the proposal to the District Collector for consent award for enhancing more than 50% which was not accepted by the District Collector.....”.

P.W.2 who was working at the relevant point of time as an Assistant Engineer has deposed that he and other Assistant Engineers have taken the measurements of houses and structures, which stood acquired, in the presence of the respective house owners and prepared separate sketch for each building, noting therein the nature of construction, type of material used for construction, nature of flooring and roof and the type and quality of wood that was used for doors, windows, rafters, etcetera and thus evaluated each building. He would submit that Ex.A-2 is the abstract of estimate prepared. He would depose that the evaluation of some of those houses was assessed by him. It was also verified by the Deputy Executive Engineer and later on by the Executive Engineer, S.R.B.C Division No.III, Owk. During the cross-examination of P.W.2, he has admitted that Cherlopalle is located slightly at an interior place from the main road by about 4 kms and that skilled labour like masons, carpenters, painters, plumbers, electricians, fitters and other mechanics are not available in Cherlopalle Village. He further admitted that such skilled labour available from the nearby towns such as Banaganapalle will have to be engaged to undertake works in Cherlopalle. He has admitted in so many words that, while preparing the estimates, he has not reckoned the charges payable to the skilled labour brought to Cherlopalle from other towns. While denying a suggestion which is left with him that skilled labour were charging Rs.450-500/- per day's work during the years 2006-2007, he has, however, admitted that the wages of the skilled labour during 2006-2007 was ranging between Rs.150-200/- per day. P.W.2 has also admitted that he has not reckoned the jungle clearance cost while preparing the estimates. P.W.2 denied deducting 10% towards inferior quality of construction and 10% towards depreciation of the building, on a casual basis, uniformly. When it was put to this witness that Palmyrah rafters are not available at Banaganapalle and that they were procured from Peddapuram of East Godavari District, he merely denied the suggestion. He also denied the suggestion that Chowdu Matti (a kind of useless soil for agricultural purposes, which would be used as binding material in construction activity in villages) had to be secured from Ramakrishnapuram Village, which is 7 kms away, as such material was not available at Cherlopalle.

As per Ex.A-1, the award for the entire extent of land comprising of 45,481.50 sq.mts, compensation was allowed at the rate of Rs.185/- per sq.mtr, which has worked out to Rs.84,14,078/- and for the structures, the Land Acquisition Officer took the estimates as submitted by the Executive Engineer, S.R.B.C, Owk and fixed their value as Rs.8,70,84,022/- and for the bore wells, he has fixed compensation of Rs.5,76,400/-, thus, making a total of Rs.9,60,74,500/-. Solatium of 30% payable under Subsection (2) of Section 23 of the Land Acquisition Act was paid and additional market value at the rate of 12% of the houses and structures was also ordered to be paid.

By his order dated 18.08.2011, the Reference Court has taken into account and consideration the principle that, for arriving at the market value for houses and buildings, the present value of materials in addition to the cost of construction with the present rates has to be adopted and also relying on the judgment rendered by this Court in ***Special Deputy Collector, L.A v. G. Mallikarjuna and others***^[1], enhanced the market value by 90% as awarded by the Land Acquisition Officer/Referring Officer for the structures acquired. Hence, this appeal.

The learned Special Government Pleader for Land Acquisition would attack this order of the Reference Court by contending that the Land Acquisition Officer has estimated the value of the structures, as determined by an expert, namely the Executive Engineer, S.R.B.C Division III, Owk. Kurnool District. When the Land Acquisition Officer has relied upon the inputs made available by a technical expert, there is nothing improper in fixing the market value relying upon the aforesaid estimate. If that valuation is to be upset, there should be material available from an expert, showing as to where the valuation found in the Award is erroneous. In the absence of any such expert's evidence, the Civil Court is not justified in enhancing the value.

Sri Rathangapani Reddy, learned counsel for the respondents-claimants would contend that it is the replacement value which should be the yardstick that should be adopted for determining the market value of the houses or structures. If the claimants were to reconstruct a similar type of house within a nearby locality to Cherlopalle Village, what would be the expenditure that is liable to be incurred by them, should be the criteria.

It is true, that an element of guess work is always involved in arriving at the market value, inasmuch as, a very precise estimate to the very last detail may not be feasible of being worked out in all cases. In the instant case, the R & B

Department of the Government has been consulted by the District Collector, Kurnool, as initially the Executive Engineer, S.R.B.C Division III, Owk has not furnished the relevant estimates. The only reason for discarding the estimates prepared by the R & B Department is that, they have adopted the values applicable in municipal areas and that there was also variation in the plinth areas between what has been notified in the draft notification under Section 4(1) followed by the declaration under Section 6 of the Land Acquisition Act and the one mentioned in the estimates prepared by the R & B Department. In fact, the Land Acquisition Officer has forwarded the estimate of the R & B Department for counter signature to the Executive Engineer, S.R.B.C Division III, Owk, who returned the same, without approving it.

Unfortunately, the estimates prepared by the R&B Department, Kurnool, have not been brought on record, for one to have an idea as to how much is the difference between the estimates prepared by the R&B Department and the one prepared by the Executive Engineer, S.R.B.C Division III, Owk, Kurnool. P.W.1 was not associated with process of the land acquisition in this case in any manner. In fact, he took charge as a Special Deputy Collector four years subsequent to the award being passed. Significantly, however he has admitted in his cross-examination that the claimants sought for 50% enhancement of the estimates prepared by Executive Engineer, S.R.B.C Division III, Owk and then the Land Acquisition Officer reacted favourably and made a proposal to the District Collector, Kurnool, who turned it down. When it came to P.W.2, who was working at the relevant point of time as an Assistant Engineer and played an active role in preparation of the estimates while working in S.R.B.C Division, he had admitted that skilled labour like masons, carpenters, plumbers, painters, electricians, fitters, etcetera are not available at Cherlopalle village and they have to be hired from nearby towns like Banaganapalle etcetera. Though, he denied the suggestion of the claimants that the skilled labour were charging at Rs.450-500/- per day, he, however, has admitted that the wages of the skilled labour during the period 2006-2007 were ranging between Rs.150-200/- per day. He has admitted that he has not taken into account and reckoning while preparing the estimates, the cost of the skilled labour to be hired from the nearby towns. P.W.2 has also admitted that he has not estimated the jungle clearance cost while preparing the estimates. Thus, the evidence on record undoubtedly discloses that there were certain grey areas or loose ends left behind while preparing the estimates by the Assistant Engineers of S.R.B.C Division No.III at

Owk, Kurnool District. It is not in dispute that the estimates as were prepared by the said S.R.B.C Division No.III, Owk were as it is relied on by the Land Acquisition Officer, without any independent assessment of his own, while making his award on 31.03.2007, though, he was *prima facie* satisfied that the request of the claimants for enhancement of the estimates of the S.R.B.C Division No.III by 50% is a reasonable one. But however, since the issue involves awarding an additional amount of compensation, he played safe by soliciting approval of the District Collector which was turned down. Though, the Land Acquisition Officer is required to act independently, and uninfluenced in any manner, while making his award, but however, in the instant case, the Land Acquisition Officer has adopted 'Play Safe Mode' while making his award.

In the above backdrop, though, the claimants have examined R.W.5, a private engineer hired by them, who is the author of Exs.B-4, 5& 6, but however, one can reckon that any such preparation of estimates by a privately hired professional is bound to contain an element of speculation and liberal hike to sub-serve the interests of his clients.

Before, dealing with the issue raised herein this Appeal, it would be essential to revisit the relevant principles relating to fixation of market value of the compulsory acquired immovable property.

In **Viluben Jhalejar Contractor v. State of Gujarat**^[2], the Supreme Court laid down the following principles for determination of market value of the acquired land:

“Section [23](#) of the Act specifies the matters required to be considered in determining the compensation; the principal among which is the determination of the market value of the land on the date of the publication of the notification under Sub-section (1) of Section [4](#).

One of the principles for determination of the amount of compensation for acquisition of land would be the willingness of an informed buyer to offer the price therefor. It is beyond any cavil that the price of the land which a willing and informed buyer would offer would be different in the cases where the owner is in possession and enjoyment of the property and in the cases where he is not.

Market value is ordinarily the price the property may fetch in the open market if sold by a willing seller unaffected by the special needs of a particular purchase. Where definite material is not forthcoming either in the shape of sales of similar lands in the neighbourhood at or about the date of notification Under Section [4\(1\)](#) or otherwise, other sale instances as well as other evidences have to be considered.

The amount of compensation cannot be ascertained with mathematical accuracy. A comparable instance has to be identified having regard to the proximity from time angle as well as proximity from situation angle. For determining the market value of the land under acquisition, suitable adjustment has to be made having regard to various positive and negative factors vis-à-vis the land under acquisition by placing the two in juxtaposition. The positive and negative factors are as under:

Positive factors	Negative factors
(i) smallness of size	(i) largeness of area
(ii) proximity to a road	(ii) situation in the interior at a distance from the road
(iii) frontage on a road	(iii) narrow strip of land with very small frontage compared to depth
(iv) nearness to developed area	(iv) lower level requiring the depressed portion to be filled up
(v) regular shape	(v) remoteness from developed locality
(vi) level vis-à-vis land under acquisition	(vi) some special disadvantageous factors which would deter a purchaser
(vii) special value for an owner of an adjoining property to whom it may have some very special advantage	

Whereas a smaller plot may be within the reach of many, a large block of land will have to be developed preparing a layout plan, carving out roads, leaving open spaces, plotting out smaller plots, waiting for purchasers and the hazards of an entrepreneur. Such development charges may range between 20% and 50% of the total price.”

In **Atma Singh v. State of Haryana**^[3], the Supreme Court held:

“In order to determine the compensation which the tenure-holders are entitled to get for their land which has been acquired, the main question to be considered is what is the market value of the land. Section [23\(1\)](#) of the Act lays down what the court has to take into consideration while Section [24](#) lays down what the court shall not take into consideration and have to be neglected. The main object of the enquiry before the court is to determine the market value of the land acquired. The expression "market value" has been the subject-matter of consideration by this Court in several cases. The market value is the price that a willing purchaser would pay to a willing seller for the property having due regard to its existing condition with all its existing advantages and its potential possibilities when led out in most advantageous manner excluding any advantage due to carrying out of the scheme for which the property is compulsorily acquired. In considering market value

disinclination of the vendor to part with his land and the urgent necessity of the purchaser to buy should be disregarded. The guiding star would be the conduct of hypothetical willing vendor who would offer the land and a purchaser in normal human conduct would be willing to buy as a prudent man in normal market conditions but not an anxious dealing at arm's length nor facade of sale nor fictitious sale brought about in quick succession or otherwise to inflate the market value. The determination of market value is the prediction of an economic event viz. a price outcome of hypothetical sale expressed in terms of probabilities. See **Kamta Prasad Singh v. State of Bihar, Prithvi Raj Taneja v. State of M.P., Administrator General of W.B. v. Collector, Varanasi and Periyar Pareekanni Rubbers Ltd. v. State of Kerala.**

For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing into state of actuality. It is well settled that market value of a property has to be determined having due regard to its existing condition with all its existing advantages and its potential possibility when led out in its most advantageous manner. The question whether a land has potential value or not, is primarily one of fact depending upon its condition, situation, user to which it is put or is reasonably capable of being put and proximity to residential, commercial or industrial areas or institutions. The existing amenities like water, electricity, possibility of their further extension, whether near about town is developing or has prospect of development have to be taken into consideration. See **Collector v. Dr. Harisingh Thakur, Raghubans Narain Singh v. U.P. Govt. and Administrator General, W.B. v. Collector Varanasi.** It has been held in **Kausalya Devi Bogra v. Land Acquisition Officer** and **Suresh Kumar v. Town Improvement Trust** that failing to consider potential value of the acquired land is an error of principle.”

In the above background, the question that is liable to be answered is this:

Would the claimants have preferred a reference under Section 18 of the Land Acquisition Act, if their request for enhancement by 50% of the estimates submitted by the S.R.B.C Division No.3, Owk is conceded by the Land Acquisition Officer?

The only answer that can be furnished in this regard will be a firm ‘NO’. If the demand of the claimants, to enhance the estimate from 50% had been conceded to by the Land Acquisition Officer, as he found some justification behind the said claim, when he made the necessary proposals to the District Collector, the claimants could never have sought for a reference under Section 18 still. As was already pointed out supra, P.W.2 has clearly admitted that he had not reckoned the factum of non-availability of skilled labour such as

masons, carpenters, painters, plumbers, electricians, fitters and other mechanics at Cherlopalle Village without such skilled labour, no construction activity of any worth, can be undertaken. Such skilled labour will have to be hence, hired and procured from the neighbouring towns. If a skilled labour is locally available, he would be charging at a specified rate, whereas, if he were to move to another far-off place to execute any work, he would make an additional demand, over and above his normal or usual rates of labour. After all, he will have to undertake a travel from the normal place of availability to the new place of work. Such a travel to and fro on day-to-day basis would incur consumption of additional time, energy and also he has to spend some money for undertaking such travel. Even if one were to tend to cover short a distance by foot, it is bound to consume much more time than what the daily chores would demand. Therefore, there is every justification for such skilled labour to charge 1 ½ times more than what they would have been charging at their respective places of stay and work. The other glaring error admitted by P.W.2 was not including the jungle clearance costs before undertaking any construction activity. Therefore, there is certain amount of justification behind the claimants making a demand for enhancement of 50% of the estimates submitted by S.R.B.C Division No.III, Owk, Kurnool District. If that demand of the claimants had been met with by the Land Acquisition Officer, there would never have been any further occasion for the claimants to feel aggrieved still that the quantum of compensation awarded to them was inadequate. In such an event, there would never be any occasion for them to seek a reference under Section 18 of the Land Acquisition Act to the Civil Court for fixing correct market value. This aspect of the matter has been completely glossed over by the Civil Court. No specific reasons are assigned why it has ordered for enhancement of the estimated value by 90%. What reasonable parameters have gone into this reckoning process are conspicuous by their absence in the order passed by the Civil Court. Reasons, however brief they might be, offer valuable guidance as to the factors that have weighed with the decision making authority. The lines on which the consideration has been bestowed would get reflected in the reasons assigned. *Sans* any such reasons, the final decision gets obscured, by not allowing a clear picture to emerge at the end. Such a decision leaves an impression that the prompting of the heart mattered more than legal or enforceable right. However, much one might sympathize with the plight of the victims of the compulsory land acquisition undertaken by the State and the hardships faced by them in relocating and

rehabilitating which leaves much more trauma than can be precisely imagined, but nonetheless, while awarding compensation, the guess work involved in fixing the market value is sought to be rationalized as far as possible. All components of humans suffering that befall the compulsory deprivation of property, all due to State action, doubtless demands departure from the traditional and conventional notion that the compensation package is the end of it all. The modern thought process of sociologists that every compensation package must also necessarily provide for rehabilitation component is slowly gaining ground. Since there are no reasons assigned by the Civil Court for enhancing the compensation by 90% of the estimated value submitted by the Executive Engineer, S.R.B.C Owk, Kurnool District, to that extent of the order and decree passed by the Civil Court becomes vulnerable for an attack.

Instead of remanding the case back again, and thus prolong the agony and suffering of the claimants and more with a view to cut short the litigation, in our humble view, accepting the claim for enhancement of the estimated value by 50% made before the Land Acquisition Officer, deserves straightaway acceptance. Hence, we are inclined to modify the order passed by the Civil Court by confining the enhancement over and above the estimated value submitted by the Executive Engineer, S.R.B.C Division III, Owk, Kurnool District, by 50%.

At that stage, Sri Rathangapani Reddy, learned counsel for the claimants, after making a smart assessment of the factors that are troubling our minds, has drawn our attention to the orders passed by the State Government contained in their G.O.Rt.No.101 Irrigation & CAD (Projects Wing – L.A.IV-R.R-II) Department dated 20.02.2006, wherein and whereby, the State Government had taken a decision to direct the Special Collector, Somasila Project where lands and structures were acquired in about 100 villages of Gopavaram, Atlur, Vontimitta and Nandalur mandals in Kadapa Districts, according him permission to settle all the 1987 cases pending in various Courts relating to the lands acquired for Somasila Project, by agreeing for enhancement of the values fixed for the structures by 80%.

We, appreciate the spirit of compromise and settlement exhibited by the State Government while issuing orders through their G.O.Rt.No.101 Irrigation & CAD (Projects Wing – L.A.IV-R.R-II) Department dated 20.02.2006. The State Government has realized that by mitigating the hardship faced by its citizens, whose lands, houses or structures are acquired, would go a long way in

providing adequate relief and rehabilitation. After all, the State is wedded to the social goal of securing the well being of all its citizens. Every irrigation project inflicts certain amount of social injuries on certain sections of the society, who suffer compulsory acquisition of their lands and structures. But however, the larger good that is sought to be achieved by an irrigation project provides the justification for making such a demand of sacrifice from these sections of society. It is, therefore, only fair that the State should try to provide adequate relief and rehabilitation to such victimized land-losers. The decision taken by the State Government and conveyed through their G.O.Rt.No.101 is from the same Irrigation and Command Area Development Department of the State Government and it was issued on 20.02.2006, whereas, the structures in the instant case, as was already noticed supra, have been acquired through a notification which was published on 25.08.2005, no doubt for another irrigation project.

Therefore, deriving strength and spirit from this order of the State Government, contained in G.O.Rt.No.101 Irrigation & CAD (Projects Wing – L.A.IV-R.R-II) Department dated 20.02.2006, we would consider that enhancement of the estimate by 80% is a reasonable way of securing a kind of total settlement to the dispute.

Accordingly, we modify the order under appeal by substituting the enhancement component at 80% instead of 90% as ordered therein. The rest of the benefits in the order remain as it is. To this extent, the appeal stands allowed.



We
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making the order passed by the State Government through their G.O.Rt.No.101
Irrigation & CAD (Projects Wing – L.A.IV-R.R-II) Department dated 20.02.2006,
as part of this judgment, scanned copy of the same is extracted below.



Accordingly, the appeal stands allowed to the extent indicated supra.
Miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

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[\[1\]](#) 2006 (2) ALT 254
[\[2\]](#) (2005) 4 SCC 577
[\[3\]](#) (2008) 2 SCC 568