

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.6287 of 2006

Date:08.06.2016

Between:

Balireddi Demudamma

... Petitioner.

AND

M/s.Hindustan Petroleum Corporation,
Rep by its Chairman, Mumbai and others.

... Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

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ORDER:

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This revision is preferred questioning order dated 21-08-2006 in PLOP.No.1218/1998 on the file of II Additional District & Sessions Judge, Visakhapatnam.

2. As per the notification published in Visakhapatnam Gazette dated 11-06-1998, Ac.0-03 cents of land in Survey No.87/1 along with two mango trees and one coconut tree, Ac.0-08 cents of land in Sy.No.87/2 along with two mango fruit bearing trees, one jack fruit tree, one lemon tree and one eucalyptus tree and Ac.0-01 cent in Survey No.86/6 along with three teak trees, four coconut fruit bearing trees and one coconut fruit tree were

acquired for the purpose of laying pipeline under Petroleum Pipe Lines (Acquisition of Right of User in land) Act of 1962 for the benefit of third respondent herein. A total sum of Rs.16,724/- was determined as compensation and aggrieved by the quantum, petitioner herein filed PLOP.No.1222/1998 under Section 10 of the Act claiming enhancement of compensation at Rs.800/- per cent and Rs.80,000/- towards four mango trees, Rs.1,25,000/- for five coconut trees, Rs.5000/- for one jack tree, Rs.60,000/- for three teak trees, Rs.1,000/- for one Eucalyptus tree and Rs.1,500/- for one lemon tree along with interest at 12% per annum.

3. Learned Additional District Judge, who is the competent authority under the Act, conducted enquiry during which, two witnesses were examined and two documents were marked on behalf of the revision petitioner, whereas two witnesses were examined and 14 documents were marked on behalf of the respondents therein and on a consideration of oral and documentary evidence, lower authority dismissed the claim in respect of enhancement of value for the land and confirmed the compensation for the total extent of land i.e., Ac.0-12 cents at Rs.16,724/-. Aggrieved by the same, present revision is preferred.

4. As seen from the record, the revision was dismissed against R1 & R3 for non compliance of order dated 14-08-2014. Now the revision is only against R2, who is the General Manger, HPCL., who is the beneficiary and liable to pay the money.

6. Heard arguments.

5. Advocate for revision petitioner submitted that the Court below failed to notice that the compensation awarded by the third

respondent is very meagre unjust and ought to have enhanced the same at the rate of Rs.800/- per cent. He further submitted that both P.Ws.1 & 2 deposed in their evidence as to the loss of four mango trees, five coconut trees, one jack fruit tree, three teak wood trees and one eucalyptus tree and one lemon tree, the Court below has not considered the evidence of P.Ws.1 & 2. It is further submitted that revision petitioner is entitled for compensation as per prevailing market rate, but the Court below has not considered this aspect and for these reasons, the order of the Court below is factually incorrect and legally untenable and liable to be set aside.

6. On the other hand, Advocate for respondents supported the judgment of the Court below and contended that there are no grounds to interfere.

7. Now the point that would arise for my consideration in this revision is whether order of the Court below is legal, proper and correct?

8. **Point:-** There is no dispute with regard to acquisition of Ac.0-12 cents of land from the revision petitioner herein for the purpose of laying pipeline. The claimant himself was examined as P.W.1 and he also examined his vendor as P.W.2 and according to him, he purchased Acs.0-27 cents of land for 15,000/- on 28-05-1997 in Survey No.19/7 and 20/5. The trial Court observed that even that price is accepted, the rate per cent would be only Rs.555/-, but cannot be Rs.800/- as claimed by the revision petitioner. Admittedly, the land was acquired in the year 1998 and the petitioner did not file any documents of the neighbouring lands preceding three years nor the market value certificate to know the actual market value of the acquired land. He only relied on his own title deed for claiming enhancement of compensation. No separate evidence is produced for

the other claims. The learned District Judge, on a proper appreciation of oral and documentary evidence, disbelieved the claim of revision petitioner. I do not find any wrong appreciation of evidence nor any illegality in the order of the Court below in determining the market value of the acquired land.

9. On a over all scrutiny of the entire material and the impugned order dated 21-08-2006, I am of the considered view that the trial Court has not committed any error in appreciating evidence and granting compensation of Rs.16,724/- for the value of the land and trees.

10. For these reasons, I am of the view that there are no grounds to interfere with the findings of the Court below and the revision is devoid of merits.

11. Accordingly, revision is dismissed as devoid of merits.

No costs.

12. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:08.06.2016

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