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JUDGMENT:- (per Hon'ble Sri Justice A. Shankar Narayana)

The erstwhile Government of Andhra Pradesh through the Special Deputy Collector (Land Acquisition), Singoor Project, Medak at Sangareddy, preferred the instant appeal being aggrieved by the order and decree dated 28.08.2006 passed in O.P.No. 10 of 2002 on the file of the Senior Civil Judge, Sangareddy on the ground that the market value enhanced by the Reference Court to Rs.15,000/- per acre from the market value of Rs.10,000/- per acre fixed by the Land Acquisition Officer with all statutory benefits, was excessive and unfair.

By issue of Notification dated 10.06.1987 under Section 4(1) of the Land Acquisition Act, 1894 (for brevity "the Act"), an extent of Ac.15.19 guntas in Sy.Nos.33 and 36, Ac.6.02 guntas in Sy.No.34, Ac.0.32 guntas in Sy.No.37, Ac.5.00 guntas in Sy.No.26, Ac.8.01 guntas in Sy.No.35, Ac.14.31 guntas in Sy.No.5/A and Ac.3.07 guntas in Sy.No.6/ABC situated in Jamalpoor village, Raikode Mandal, Medak District was acquired by the Government for submergence in Singoor Project, and the Land Acquisition Officer, having collected the sales

statistics for the relevant period preceding the date of notification, fixed the market value at Rs.10,000/- per acre as against the claim made by the claimants for Rs.15,000/- per acre. Being dissatisfied with the fixation of the market value, the claimants requested the Land Acquisition Officer under Section 18 of the Act to refer the matter to the Civil Court, and accordingly, the matter was referred to the Court of Senior Civil Judge, Sangareddy and the same was registered as O.P.No. 10 of 2002 on its file.

During enquiry before the Reference Court, the claimants claimed a sum of Rs.30,000/- to Rs.40,000/- per acre. PWs.1 to 3 were examined and Exs.A1 to A5 were marked on behalf of the claimants. On behalf of the respondent, the Special Deputy Collector himself examined as RW1, but no documents were filed. The Reference Court, having analyzed the evidence on record let in by both parties and making an observation that one of the claimants examined as PW1 though stated in his evidence that the annual income was Rs.5,000/- to Rs.7,000/-, but refused to accept the same on the ground that no evidence worth the name was placed to substantiate it. The Reference Court discarded Ex.A2 – certified copy of the judgment and decree dated 05.02.2004 in O.P.No. 229 of 2003 on the file of the Principal District Judge, Medak at Sangareddy on the ground that the land covered by the said judgment is

located in Itkepally village as per the evidence let in, in that O.P., and thus, while excluding Ex.A2, enhanced the market value to Rs.15,000/- per acre mainly on the basis that the claimants requested for fixation of Rs.15,000/- per acre before the Land Acquisition Officer. The Reference Court also observed that there is no other evidence in the form of comparable sales to fix the market value and thus fixed the rate at Rs.15,000/- per acre by granting all statutory benefits.

It is the aforesaid order which is challenged in the instant appeal by the Land Acquisition Officer mainly contending that Exs.A4 and A5 transactions took place just five months prior to the date of notification and out of which Ex.A4 transaction relates to the second claimant in the instant O.P., and, therefore, the Reference Court was not right in placing reliance on Exs.A4 and A5 in enhancing the market value to Rs.15,000/- per acre.

Heard the learned Government Pleader for Appeals appearing on behalf of the appellant. None appears for the respondents in spite of service of notices on them.

We have perused the order and the material on record.

As rightly observed by the Reference Court, there appears to be no evidence at all on behalf of the claimants except Exs.A4 and A5 to accede to the request of the claimants to fix market value at Rs.30,000/- or Rs.40,000/- per acre. However, since Exs.A4 and A5

relate to the period prior to the date of issue of notification under Section 4(1) of the Act, and even the Reference Court has not accepted Ex.A2's value on the ground that the lands were situated in Itkepally village and since the Reference Court also recorded that except the evidence of PW1, no other evidence is forth-coming to show that the annual income would be Rs.4,000/- to Rs.7,000/- and keeping in view the claim made by the claimants before the Land Acquisition Officer, fixation of the said amount as the market value certainly, does not warrant any interference at all, more particularly, when kept in view, the evidence of other witnesses that the lands situated in Itkepally village and the acquired lands located in Jamalpoor village of Raikode Mandal are almost identical in nature, hence, the rate fixed by the Reference Court is confirmed.

Accordingly, the instant appeal is dismissed for want of merit. No order as to costs.

As a sequel to the dismissal of the Appeal, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

09.03.2016

**A. SHANKAR
NARAYANA,J**

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