

HON'BLE SRI JUSTICE G. CHANDRAIAH

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

APPEAL SUIT No.1453 OF 2003

Judgment: (Per Hon'ble Sri Justice A. Shankar Narayana)

The order impugned herein is a common order, dated 11.02.2002, in O.P. Nos.94, 95, 96, 97, 98, 99 and 100 of 1986 passed by the learned Principal Senior Civil Judge, Guntur,

2. The instant appeal is preferred under Section 54 of the Land Acquisition Act, 1894 by the Revenue Divisional Officer, Guntur - cum - Land Acquisition officer, aggrieved by the order and decree in L.A. O.P. No.97 of 1986 alone.

3. Land admeasuring Ac.1-80 cents in Survey Nos.185/B5 and 274/1A, situated at Mutluru village, Vatticherukuru Mandal, Guntur District, belonging to the respondent - claimant was acquired by the Government under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') for the purpose of providing house sites to the weaker sections of the society. Notification under Section 4(1) of the Act was issued on 26-03-1983.

4. The Land Acquisition Officer (LAO) having

conducted due enquiry, passed Award No.5/85, dated 27-03-1985, fixing the market value at Rs.21,000/- per acre for the subject land as well as the lands covered by the other O.Ps.

5. Dissatisfied with the market value fixed by the LAO, claimant sought for reference under Section 18 of the Act and the same was referred to the learned Principal Senior Civil Judge, Guntur.

6. During enquiry before the reference Court, common evidence was let in in all the O.Ps., and on behalf of the claimants including the claimant herein (respondent), claimant herein and one K. Vinnasamma were examined as PWs.1 and 2, respectively, and Exs.A-1 to A-4 were marked. On behalf of the LAO, Deputy Tahsildar concerned was examined as RW.1 and Ex.B-1 award was marked.

7. The reference Court having analysed the oral and documentary evidence, enhanced the market value for the subject land from Rs.21,000/- per acre to Rs.25,000/- per acre. Aggrieved of the same, the LAO preferred the instant appeal.

8. The learned Government Pleader for Appeals would submit that this Court earlier disposed of appeals in A.S. Nos.2061 of 2002 and 421 of 2004 by a common judgment, dated 16-09-2014, arising out of the orders in

O.P. Nos.98 and 99 of 1986 (which were disposed of by the common order in O.P. Nos.94 to 100 of 1986), and this Court having heard the appeals and perused the evidence on record, finding no merit in the appeals, dismissed the same confirming the order and decrees impugned therein and the same would squarely cover subject matter of this appeal.

9. Learned Government Pleader, however, contended that the petitioner is not entitled to additional market value at 12% per annum since notification under Section 4(1) of the Act was issued on 26.03.1983 and the provisions under Section 23(1-A) of the Act were introduced by way of amendment giving effect to the same on 24.09.1984.

10. Learned Government Pleader further submits that the reference Court, somehow, granted interest at 9% per annum on the enhanced compensation from the date of notification for a period of one year and thereafter at 15% per annum till realization, though, possession was taken on 14.01.1984, as such, interest for the first year at 9% per annum only may be granted from the date of taking possession and thereafter at 15% per annum.

11. There is merit in the submission of the learned Government Pleader since possession of the subject land was taken subsequent to issuance of draft notification under Section 4(1) of the Act. Therefore, we hold that the

claimant is entitled to interest at 9% per annum from the date of taking possession of the subject land for a period of one year and thereafter at 15% per annum till realization.

12. So far as additional market value is concerned, claimant is not entitled to the same since the notification under Section 4(1) of the Act precedes introduction of the amendment, as stated supra.

13. For the aforesaid reasons, following the common judgment and decrees, dated 16.09.2014, in A.S. Nos.2061 of 2002 and 421 of 2004, the appeal is disposed of in terms thereof confirming the impugned order in all aspects except setting aside the same to the extent of granting additional market value at 12% per annum and interest on the compensation from the date of notification.

14. Accordingly, the appeal is allowed in part, as indicated above. The common judgment, dated 16,09.2014, in A.S. Nos.2061 of 2002 and 421 of 2004, shall form part of the record. There shall be no order as to costs.

15. As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

G. CHANDRAIAH, J

A. SHANKAR NARAYANA, J

February 25, 2016.
PV