

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANI S*

APPEAL SUIT No.764 of 2004
and
CROSS OBJECTIONS (SR) No.32570 of 2004

COMMON JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

This appeal under Section 54 of the Land Acquisition Act, 1894, is preferred by the State aggrieved by the enhancement of compensation payable for the lime trees in the acquired land belonging to the respondent affected under the Reference Order dated 09.07.2001 passed by the learned Additional Senior Civil Judge, Gudur, in L.A.O.P.No.49 of 1994. The compensation awarded by the Reference Court for 171 lime trees was Rs.90/- per tree for a period of ten years. While so, the respondent/claimant filed Cross Objections seeking enhancement of compensation at Rs.150/- per tree for ten years and paid Court fee accordingly.

It is now fairly stated before us by the learned Government Pleader for Appeals that the issue arising for consideration in relation to compensation payable for fruit bearing trees is no longer *res integra*. Learned Government Pleader would state that this issue has been settled by the Supreme Court in Ashok Kumar v. State of Haryana¹ to the effect that a lumpsum compensation of Rs.3,000/- should be awarded for each fruit bearing tree.

In that view of the matter, the appeal and the Cross Objections are disposed of fixing the compensation payable for 171 fruit bearing trees in the acquired land of the respondent in this appeal at Rs.3,000/- per tree. The respondent shall pay Court fee upon the difference in terms of the amount claimed by him under the Cross Objections. The amount already paid to the respondent in this regard shall stand deducted from the amount due and payable in terms of this order. Statutory benefits in terms of the judgment of the Supreme Court in Sunder v. Union of India² shall be extended to the respondent.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

ANI S, J

Date:18.10.2016
GJ

¹ (2016) 4 SCC 544

² (2001) 7 SCC 211