

**THE HON'BLE SRI JUSTICE SANJAY KUMAR  
and  
THE HON'BLE SMT JUSTICE ANIS**

**APPEAL SUIT No.1170 of 2000**

**JUDGMENT:** (per SK, J)

This appeal under Section 54 of the Land Acquisition Act, 1894 (for brevity 'the Act of 1894'), arises out of the judgment dated 10.08.1999 passed by the learned Senior Civil Judge, Peddapuram, in O.P.No.32 of 1992, a reference under Section 18 of the Act of 1894.

By the said judgment, the reference Court rejected the claim for enhancement in relation to the house site, bore-well and cattle shed. However, the market value in respect of the house was enhanced and fixed at Rs.17,015/-. Statutory benefits were also granted. Aggrieved by the rejection of his claim in relation to the house site, cattle shed and bore-well and the limited enhancement in relation to the house, the claimant preferred this appeal.

Sri V. Manohar Rao, learned counsel appearing for the appellant/claimant, states that this Court had occasion to deal with an identical issue in relation to an acquisition notification in the context of a nearby village. Copies of the common judgment passed by this Court in A.S.Nos.1081, 1101 and 1121 of 2000 and in A.S.No.1137 of 2000 are placed before us in this regard.

Learned Government Pleader for Appeals fairly concedes that the aforestated judgments are squarely applicable to the present case also.

Perusal of the common judgment dated 17.10.2008 passed in A.S.Nos.1081, 1101 and 1121 of 2000 reflects that the Government issued G.O.Rt.No.101 dated 20.02.2006 instructing that insofar as acquisition for Somasila Project is concerned, where the Award effected enhancement between 80% to 100% over and above the compensation fixed by the Land Acquisition Officer, it should not be contested. Similarly, where houses and house sites were acquired for other projects and in relation to which, the reference Court enhanced compensation by 100%, the same may be accepted. This judgment was thereafter followed in A.S.No.1137 of 2000. The judgment dated 23.06.2010 passed therein reflects that following the common judgment referred to supra, this Court enhanced the compensation in relation to a house at 80% over and above the market value fixed by the Land Acquisition Officer.

In that view of the matter, the present appeal is allowed enhancing the compensation payable upon the house of the claimant at 80% over and above the market value fixed by the Land Acquisition Officer. The appeal insofar as it relates to the cattle shed, bore-well and house site shall stand rejected as

Sri V. Manohar Rao, learned counsel, fairly states that in other similar appeals, his request in this regard was not accepted. Needless to state, the appellant/claimant shall be entitled to all statutory benefits, including interest on the enhanced compensation and solatium, in terms of the law laid down by the Supreme Court in **Sunder v. Union of India** {2001(7) SCC 211} and **Gurpreet Singh v. Union of India** {2006(8) SCC 457}. There shall however be no order as to costs.

25<sup>th</sup> OCTOBER, 2016.

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**SANJAY KUMAR, J**

**ANIS, J**

