

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

L.A.A.S. No.332 OF 2006

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

The Special Deputy Collector - cum - Land Acquisition Officer, Land Acquisition Unit, Jagtial, Karimnagar District, preferred the instant appeal under Section 54 of Land Acquisition Act, 1894 (for short 'the Act'), aggrieved by the order and decree, dated 20-10-1989, in O.P. No.678 of 1985, passed by the learned District Judge, Karimnagar, whereby and where-under market value ranging from Rs.1000/- and Rs.1060/- was enhanced to Rs.2,750/- per acre, on the ground that the market value fixed by the reference Court was arbitrary, excessive and without there being any legally acceptable evidence.

2. A draft notification, dated 09-11-1972, under Section 4 (1) of the Act, was issued by the Government to acquire an extent of Acs.4-09 guntas covered by Survey Nos.163, 174, 177, 178 and 182, situated at Rangapet village of Jagtial Taluk, Karimnagar District, for the purpose of construction of Ayacut Development Road No.15 from Aloor to P.W.D. Road in Rangapet village.

3. The Land Acquisition Officer, Jagtial, having taken into consideration the sales statistics during the relevant period preceding issuance of the draft notification, fixed market values at Rs.1000/- and Rs.1060/-, respectively, by an award No.54/72-73, dated 20-03-1973.

4. The claimants, who are respondents herein, having dissatisfied with the market value fixed at that rates, requested the Land Acquisition Officer to refer the matter to Civil Court under Section 18 of the Act and, accordingly, the Land Acquisition Officer has referred the matter to the District Judge, Karimnagar (for short 'reference Court').

5. Before the reference Court, the claimants have filed their claim statements requesting to fix market value at Rs.15,000/- per acre by granting all statutory benefits.

6. During inquiry before the reference Court, on behalf of the claimants, claimant No.4 himself examined as PW.1, besides examining PWs.2 to 4 and marking Exs.A-1 to A-3. On behalf of the referring Officer, one M.A. Majeed, was examined as RW.1 and marked Exs.B-1 to B-5.

7. The reference Court, having appreciated the evidence on record, placing reliance on Ex.A-1, dated 25-

09-1974, to which PW.3 was one of the attestors showing that an extent of Ac.0-03 guntas of land in Sy.No.366 of Morapalli Village, was sold for Rs.500/-, and also on Ex.A-2, sale deed, dated 31-07-1975, under which, PW.4 as purchaser, had purchased an extent of Ac.0-02 guntas of land in Sy.No.863 for Rs.1500/- in the year 1970, and also considering other factors that the land has got potentiality for house sites, enhanced the market value from Rs.1000/- and Rs.1060/- to Rs.2,750/- per acre by granting all the statutory benefits, by order, dated 20-10-1989.

8. It is the aforesaid order which is under challenge in the instant appeal preferred by the Government contending in the grounds that the reference Court without there being any legally acceptable evidence to increase the market value, enhanced the market value and, therefore, sought to set aside the award and decree and to confirm the award passed by the Land Acquisition Officer.

9. Heard learned Government Pleader for Appeals. Despite service of notice, none appears for the respondents.

10. Perused the order and material on record both, oral and documentary, let in by the respective parties.

11. As seen from Ex.A-3, which is a Photostat copy of certified copy of decree, dated 06-02-1985, in O.P. No.15 of 1983 on the file of Subordinate Judge, Jagtial, and also as can be gathered from the material on record, the land under acquisition was a fertile land, yielding crops like Chillies and Maize etc., which are commercial crops, which facts stood un-rebutted suggesting that the market value fixed by the Land Acquisition Officer was not proper and, therefore, the enhancement of market value by the reference Court from Rs.1000/- and Rs.1060/- to Rs.2,750/- per acre is well-reasoned based on appreciation of evidence on record warranting no interference at all. Thus, we found no merit in the instant appeal.

12. Accordingly, the appeal is dismissed. There shall be no order as to costs.

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

G. CHANDRAIAH,

J

A. SHANKAR NARAYANA, J

March 08, 2016.

Mgr