

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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L.A.A.S No. 54 of 2006

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

An extent of Ac.11-37³/₄ guntas of land situated in the limits of Peddabonkur village of Peddapalli mandal of Karimnagar District was acquired by the Land Acquisition Officer, LMD Colony, Karimnagar, through Notification issued under Section 4(1) of the Land Acquisition Act (for short, 'the Act'), published on 26.02.1998, and after following due procedure, the Land Acquisition Officer, having taken into consideration the sales statistics of the relevant period, fixed the market value at Rs.22,000/- per acre for dry lands and Rs.33,000/- per acre for wet lands. Not satisfied with the fixation of market value, the claimants herein made a request to the Land Acquisition Officer to refer the matter to the Civil Court under Section 18 of the Act, claiming enhancement at Rs.1,00,000/- per acre along with solatium and other statutory benefits. The reference was registered as O.P.No.33 of 2002 on the file of the Court of Senior Civil Judge, Peddapalli (for short, 'the reference Court'). The reference Court has fixed the market value at Rs.65,000/- per acre for dry lands and Rs.75,000/- per acre for wet lands. On the ground that the reference Court has granted excessive compensation without

there being any convincing evidence on record, the Land Acquisition Officer preferred the instant appeal.

2. On behalf of the claimants, the reference Court examined PWs.1 and 2 and Exs.A1 and A2, which are certified copies of registered sale deeds dated 29.09.1997 and 12.01.1998, respectively, were marked. On behalf of the Land Acquisition Officer, RW1 was examined and Ex.B1-photocopy of the Award dated 14.09.1998 was marked.

3. The reference Court, basing on the decision of the Hon'ble Supreme Court in **Special Deputy Collector and another v. Kurra Sambasiva Rao and others**^[1], arrived at the market value opining that it would be reasonable to fix Rs.65,000/- per acre for dry land and Rs.75,000/- per acre for wet land, and accordingly fixed the market value and it is that order which is impugned mainly on the ground that without there being any convincing and legally acceptable evidence on record, the reference Court was not right in fixing the market value of Rs.65,000/- per acre and Rs.75,000/- per acre for dry and wet lands respectively and the reference Court ought not to have relied on the entries in Exs.A1 and A2.

4. We have heard the learned Government Pleader for appeals appearing for the State (appellant), and Sri S. Satyam Reddy, learned counsel for the respondents – claimants. We have also perused the record apart from the order under challenge.

5. Ex.A1 relates to transaction whereunder an extent of

Ac.1-22³/₄ guntas of dry land was sold for a consideration of Rs.1,89,900/- which works out to Rs.1,20,571/- per acre on 29.09.1997. The vendor thereunder was examined as PW2 whose evidence proves the genuineness of Ex.A1 transaction. Section 4(1) notification in the instant case was issued on 26.02.1998. Thus, six months prior to the date of issuance of Section 4(1) notification, the sale transaction under Ex.A1 had taken place and that is the reason why the reference Court by placing reliance on Ex.A1 and also the decision of the Hon'ble Supreme Court in **Kurra Sambasiva Rao** (Supra 1) has fixed the market value of Rs.65,000/- per acre for dry land and Rs.75,000/- per acre for wet land.

6. Therefore, the finding of the reference Court cannot be found fault with, as it is well reasoned and based on appreciation of evidence on record. It is not as if the reference Court has taken the rate mentioned under Ex.A1 transaction totally; but in fact the reference Court has taken about half of the rate mentioned in Ex.A1.

7. In that view of the matter, we do not find any merit in the instant appeal and hence the appeal is liable to be dismissed.

8. The appeal is, accordingly, dismissed confirming the order of the reference Court. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

04th March, 2016

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[\[1\]](#) AIR 1997 Supreme Court 2625