

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. 91 of 2006

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

An extent of Ac.2-05 cents of dry land situated in Survey No.452 of Raghavapuram village, Bibinagar Mandal, Nalgonda District, was acquired by the Land Acquisition Officer (Mandal Revenue Officer), Bibinagar, through the Notification issued under Section 4(1) of the Land Acquisition Act (for short, 'the Act'), published on 06.01.1987, 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.7,000/- per acre. 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 compensation at the rate of Rs.50/- per Square Yard along with other statutory benefits. The reference was registered as O.P.No.20 of 1988 on the file of Senior Civil Judge, at Bhongir (for short, 'the reference Court'). The reference Court enhanced the compensation to Rs.14,000/- per acre. On the ground that the reference Court has granted excessive compensation without there being any convincing evidence on record, the Land Acquisition Officer filed the instant appeal.

2. On behalf of the claimants, the reference Court examined PWs.1 to 3 and marked Exs.A1 to A3. On behalf of the Land Acquisition Officer, RW1 was examined and Exs.B1 to B4 were marked.

3. The reference Court, taking the contents of Exs.A1 and A2 which are the order and decree in O.P.No.54 of 1981, dated 22.08.1983 passed by the very same reference Court earlier, and observing that no appeal was preferred by the Land Acquisition Officer against the enhancement of market value granted therein, and taking into consideration various factors that the road dividing SC Colony and BC Colony leading from Bibinagar to Pochampally mandal headquarter is passing through the land under acquisition and that Bibinagar is at a distance of 5 km from the village and that the land has the potential for conversion into house sites, while rejecting the claimants demand for fixing the market value at Rs.50/- per Square Yard, and dealing elaborately with Exs.B1 to B4, fixed the market value at Rs.14,000/- per acre along with other statutory benefits.

4. We have heard the learned Government Pleader for Appeals appearing for the State (appellant) and Sri Md. Saleem, learned counsel for the respondents - claimants. We have also perused the record apart from the order under challenge.

5. The reasons assigned by the reference Court for

enhancing the market value, more particularly, basing on Exs.A1 and A2 which are the copy of the Award and Decree in O.P.No.54 of 1981, and also basing on the fact that the mandal headquarters of Bibinagar is just nearby the land under acquisition and the road from Bibinagar to Pochampally also passes through the acquired land and, therefore, the claimants are entitled for enhancement of compensation from Rs.7,000/- to Rs.14,000/-, thus, based on appreciation of evidence on record and well reasoned. 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.

6. 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

A. SHANKAR NARAYANA, J

04th March, 2016

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