

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. 1704 of 2005

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

An extent of Ac.24-34 guntas covered under Survey Nos.84, 99, 100 to 103, 112 to 118 of Mallaram village, Kattangur mandal, Nalgonda District, was acquired by the Government through a Notification issued under Section 4(1) of the Land Acquisition Act (for short, 'the Act'), published on 24.06.1989. The Special Deputy Collector (LAO), S.L.B.C., Nalgonda, after following due procedure, having taken into consideration the sales statistics of the relevant period, categorised the lands into Category-I lands and Category-II lands and fixed the market value at Rs.2,000/- per acre for Category-I lands and Rs.2,500/- per acre for Category-II lands. As the claimants were not satisfied with the market value fixed by the Land Acquisition Officer, the matter was referred to the Civil Court under Section 18 of the Act. The reference was registered as O.P.No.53 of 1990 on the file of Subordinate Judge, Nalgonda (for short, 'the reference Court'). The reference Court enhanced the compensation from Rs.2,000/- to Rs.4,000/- per acre for Category-I lands, and from Rs.5,000/- to Rs.10,000/- per acre for Category-II lands and also directed for payment of solatium and other

statutory benefits. 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 4 and marked Exs.A1 to A8. On behalf of the Land Acquisition Officer, no witness was examined and no document was marked.

3. The reference Court, basing on the evidence of PW2 and contents of Exs.A7 and A8, and by not accepting the market value therein, still taking note of Exs.A5 and A6, opined that it would be just and proper to double the compensation and accordingly doubled the market value of both Category-I and Category-II lands. 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.4,000/- per acre for Category-I lands, and Rs.10,000/- per acre for Category-II lands

4. We have heard Mr. M. Madhava Reddy, learned counsel for the claimants and the learned Government Pleader. We have also perused the record apart from the order under challenge.

5. Though it is stated in the grounds of appeal that the reference Court was not right in enhancing the market value

basing on the value mentioned in Exs.A7 and A8, but in fact, the reference Court has not considered the price of land mentioned in Exs.A7 and A8, but relied on Exs.A5 and A6 and thus enhanced the market value by doubling the market value fixed by the Land Acquisition Officer.

6. Therefore, the finding recorded by the reference Court cannot be found fault with as it is well reasoned and based on appreciation of evidence. 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.

7. 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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