

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.6283 of 2006

Date:08.06.2016

Between:

Penumatsa Appalaraju

... Petitioner.

AND

M/s.Hindustan Petroleum Corporation,
Rep by its Chairman, Mumbai and others.

...Respondents.

The Court made the following :

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ORDER:

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This revision is preferred questioning order dated 21-08-2006 in PLOP.No.1222/1998 on the file of II Additional District & Sessions Judge, Visakhapatnam.

2. As per the notification published in Visakhapatnam Gazette dated 11-06-1998, Ac.0-07 cents of land in Survey No.84/3 along with gingelly crop was acquired for the purpose of laying pipeline under Petroleum Pipe Lines (Acquisition of Right of User in land) Act of 1962 for the benefit of third respondent herein. A total sum of Rs.175/- per cent was determined as compensation and aggrieved by the quantum, the petitioner herein filed PLOP.No.1222/1998 under

Section 10 of the Act claiming enhancement of compensation at Rs.800/- per cent and Rs.420/- towards loss of crop with interest at 12% per annum.

3. Learned Additional District Judge, who is the competent authority under the Act, conducted enquiry during which, two witnesses were examined and one document was marked on behalf of the revision petitioner, whereas two witnesses were examined and 14 documents were marked on behalf of the respondents therein and on a consideration of oral and documentary evidence, lower authority dismissed the claim in respect of enhancement of value for the land, but awarded compensation for the crop at Rs.210/- by taking the value of annual crop at Rs.3,000/- per acre. The learned District Judge confirmed the compensation fixed by the authority for the land and aggrieved by the same, present revision is preferred.

4. As seen from the record, the revision was dismissed against R1 & R3 for non compliance of order dated 14-08-2014. Now the revision is only against R2, who is the General Manger, HPCL., who is the beneficiary and liable to pay the money.

6. Heard arguments.

5. Advocate for revision petitioner submitted that the Court below failed to notice that the compensation awarded by the third respondent is very meagre unjust and ought to have enhanced the same at the rate of Rs.800/- per cent. He further submitted that both P.Ws.1 & 2 deposed in their evidence as to the loss of gingelly crop wroth of Rs.420/- in the Ac.0-07 cents of land, but the Court below has granted only Rs.210/- contrary to the evidence of P.Ws.1 & 2. It is further submitted that revision petitioner is entitled for compensation as per prevailing market rate, but the Court below has

not considered this aspect for these reasons, the order of the Court below is factually incorrect and legally untenable and liable to be set aside.

6. On the other hand, Advocate for respondents supported the judgment of the Court below and contended that there are no grounds to interfere.

7. Now the point that would arise for my consideration in this revision is whether order of the Court below is legal, proper and correct?

8. **Point:-** There is no dispute with regard to acquisition of Ac.0-07 cents of land from the revision petitioner herein for the purpose of laying pipeline. The claimant himself was examined as P.W.1 and he also examined his vendor as P.W.2 and according to him, he purchased Acs.0-27 cents of land for 15,000/- on 28-05-1997 in Survey No.19/7. The trial Court observed that even that price is accepted, the rate of per cent would be only Rs.555/-, but cannot be Rs.800/- as claimed by the revision petitioner. Admittedly, the land was acquired in the year 1998 and the petitioner did not file any documents of the neighbouring lands preceding three years nor the market value certificate to know the actual market value of the acquired land. He only relied on his own title deed for claiming enhancement of compensation. The learned District Judge, on a proper appreciation of oral and documentary evidence, disbelieved the claim of revision petitioner for the land. I do not find any wrong appreciation of evidence nor any illegality in the order of the Court below in determining the market value of the acquired land.

9. The other claim of the revision petitioner is that the value of the gingelly crop in the acquired Acs.0-07 cents of land is Rs.4,020/- and that the third respondent has not granted any amount towards crop.

This aspect was also considered by the Court below and held that the net value of gingelly crop for an acre would be around Rs.3,000/- and on that basis, he calculated the crop value of Ac.0-07 cents of land and awarded compensation of Rs.210/-. Petitioner, except relying on his own testimony, did not produce any material as to the value of the crop in Ac.0-07 cents of land. In the absence of any such evidence, the objection of the revision petitioner with regard to value fixed by the learned District Judge cannot be accepted. On a over all scrutiny of the entire material and the impugned order dated 21-08-2006, I am of the considered view that the trial Court has not committed any error in appreciating evidence and granting compensation of Rs.210/- for the value of the crop and in refusing to grant any compensation towards value of the land.

10. For these reasons, I am of the view that there are no grounds to interfere with the findings of the Court below and the revision is devoid of merits.

11. Accordingly, revision is dismissed as devoid of merits.

No costs.

12. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:08.06.2016

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