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

The instant appeal is preferred by the Revenue Divisional Officer (L.A.O.), Miryalaguda being aggrieved by the order dated 13.12.2000 passed by the Senior Civil Judge, Nalgonda in O.P.No. 39 of 1997 on the ground that the enhancement of market value is highly excessive and arbitrary.

Brief facts of the case are that an extent of Ac.5.02 guntas in Sy.No. 304 and Ac.4.38 guntas in Sy.No. 381 of dry land belonging to the claimants situated at Kurmapally village, Chinthapally Mandal, Nalgonda District, were acquired by the Revenue Divisional Officer-cum-Land Acquisition Officer, Miryalaguda by issue of Notification under Section 4(1) of the Land Acquisition Act (for brevity "the Act") published on 07.03.1996 for the purpose of allotment of house-sites to identified 155 beneficiaries. The Land Acquisition Officer, having conducted due enquiry, passed an Award fixing the market value at Rs.11,000/- per acre with all statutory benefits. The claimants, who are the respondents herein, having been dissatisfied with the market value fixed by the Land Acquisition Officer, made a request to the Land

Acquisition Officer for reference under Section 18 of the Act, and accordingly, the matter was referred to the Court of the Senior Civil Judge, Nalgonda. During enquiry, it appears that the claimants demanded for payment of Rs.3.00 lakhs per acre for the lands under acquisition contending that if the acquired lands are sold as house-sites they would fetch Rs.50/- to Rs.60/- per square yard. Before the Reference Court, to substantiate the claim made by the claimants, PWs.1 to 6 were examined and Exs.A1 to A4 – registered sale deeds dated 16.02.1995, 20.02.1995, 12.11.1991 and 27.04.1992 and Ex.X1 – another original sale deed dated 12.11.1991 were marked. The Reference Court, having considered the evidence, both, oral and documentary let in by the parties, recorded a definite finding that the extents of land covered by these sale deeds were very small and cannot be taken as comparable sales thereby discarded them. However, keeping in view, that the acquired lands were situated in the periphery of the village with some potentiality for locating them as house-sites, enhanced the market value from Rs.11,000/- to Rs.18,000/- per acre.

We have heard the learned Government Pleader for Appeals appearing for the appellant.

Even though notices are served, none has appeared on behalf of the respondents-claimants.

We have perused the order passed by the Reference Court more particularly, the observations made in Point

No.2. The Reference Court has observed that though, the Land Acquisition Officer has discussed the suitability of the lands for location of house-sites, but having not considered the same, simply fixed the market value based on the sale considerations which are purely for agricultural purpose and not for residential house-sites and further observing that the market value of the acquired lands cannot be fixed on the basis of transactions relating to house-sites, and at the same time, it cannot be fixed just as dry land as if it is suitable for rain-fed crops only, enhanced the market value from Rs.11,000/- to Rs.18,000/- per acre. Be that as it may, the findings recorded by the Reference Court that the extents covered by Exs.A1 to A4 and Ex.X1 are very small and in fact Ex.X1 relates to only Ac.01.00 gunta and further these transactions relate to the plots situated in the middle of the village itself, which were sold as house-sites, certainly do not warrant any interference. In that view of the matter and the very fact that they are situated in the periphery of the village, the enhancement made by the Reference Court from Rs.11,000/- to Rs.18,000/- per acre cannot be faulted.

Hence, there is no merit in this appeal and the instant appeal is accordingly dismissed confirming the market value fixed by the Reference Court in all respects. No order as to costs.

As a sequel to the dismissal of the appeal,
Miscellaneous Petitions, if any pending, shall stand
disposed of as infructuous.

G. CHANDRAIAH, J

04.03.2016

**A. SHANKAR
NARAYANA,J**

bcj