

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANI S

A.S.No.895 OF 2002

JUDGMENT: *(Per Hon'ble Sri Justice Sanjay Kumar)*

This appeal by the State under Section 54 of the Land Acquisition Act, 1894 (for brevity, 'the Act of 1894') arises out of the judgment dated 09.03.1987 passed by the learned Subordinate Judge, Rajampet, in L.A.O.P.No.216 of 1985, a reference arising under Section 18 of the Act of 1894.

The appeal stood dismissed against respondents 3, 5 and 6 in terms of the order dated 19.10.2001 passed by this Court. It therefore survives only insofar as respondents 1, 2 and 4 are concerned. However, by order dated 26.07.2002, this Court dismissed the Miscellaneous Petition filed by the State seeking stay of further proceedings in E.P.No.145 of 1988 filed for execution of the judgment under appeal.

Despite service of notice, respondents 1, 2 and 4 did not choose to enter appearance before this Court either in person or through learned counsel.

The acquisition which forms the basis for the present litigation was in connection with the foreshore submersion relating to Somasila Project. The notification under Section 4(1) of the Act of 1894 was issued on 31.10.1980. The Land Acquisition Officer passed award dated 11.10.1983 categorizing the lands which were affected by such submersion into five types. Insofar as the present case is concerned, the land owned by the respondents/claimants admeasuring Ac.1.19 cents in Survey No.643 of Peddayapalli Village, Sidhout Taluk, Kadapa District, was affected. Out of this extent, Ac.1.05 cents was agricultural land which the Land Acquisition Officer determined as falling in Category II. For this land, the Land Acquisition Officer awarded Rs.7,550/- per acre. As regards the balance Ac.0.14 cents of land, the Land Acquisition Officer found that this land

was not utilized for agricultural purpose but for four mango trees and two coconut trees existed thereon which required compensation to be determined and he fixed the compensation at Rs.560/- per mango tree and Rs.200/- per coconut tree. On reference under Section 18 of the Act of 1894 in L.A.OP.No.216 of 1985, the reference Court enhanced the compensation for the agricultural land from Rs.7,550/- to Rs.18,000/- per acre. As regards the compensation for the trees, the reference Court awarded Rs.2,000/- per mango tree bringing the total to Rs.8,000/- and Rs.1,000/- per coconut tree bringing the total in relation thereto to Rs.2,000/-. Aggrieved by this enhancement, the State is in appeal.

We find that the reference Court rendered a cogent and well-reasoned order in support of the enhancement effected by it.

Though the learned Government Pleader would contend that the enhancement effected is on the higher side, we find no basis to support such an allegation. The reference Court relied on well-founded material to effect enhancement of the compensation in respect of the land as well as the trees. No effort was made by the State to dilute the strength of the reasoning of the reference Court. That apart, as already stated hereinbefore, the appeal already stood dismissed against three of the respondents/claimants. E.P proceedings were also not stayed pending the appeal.

On the totality of the aforesaid circumstances, we find no reason to interfere with the judgment under appeal.

The appeal is devoid of merit and is accordingly dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 25.10.2016

ANIS, J

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