

**HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

APPEAL SUIT Nos.963 AND 980 OF 2003

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

Both these appeals have been preferred by the erstwhile Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC), Hyderabad, represented by its Zonal Manager, Vijayawada, under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), aggrieved of the common order, dated 10-01-2003, in L.A.O.P. Nos.84 of 1995 and 79 of 2000.

2. Brief facts of the case are that a total extent of Acs.47.72 cents of land covered by various survey numbers located in Pothepalli village of Machilipatnam Mandal in Krishna District belonging to different claimants was acquired by APIIC under the provisions of the Act for the purpose of establishment of Industrial Estate. A draft notification under Section 4(1) of the Act was issued on 14-05-1991 and, thereafter, a draft declaration under Section 6 of the Act was issued on 29-01-1992.

3. The Land Acquisition Officer (LAO) having considered various sale transactions has passed award

No.5 of 1993, dated

04-02-1994 relating to subject lands, fixing the market value at Rs.40,000/- per acre. On request made by the claimants, a reference under Section 18 of the Act was made to Civil Court. The reference Court having conducted due inquiry and basing on the evidence, both, oral and documentary, let in by the parties, respectively, enhanced the market value from Rs.40,000/- per acre to Rs.70,222/- per acre by according all statutory benefits, by a common order, dated

10-01-2003, in L.A.O.P. No.77 of 1995 and batch (total 41 in number), which includes L.A.O.P. Nos.84 of 1995 and 79 of 2000 as against which the instant appeals are preferred.

4. When a Division Bench of this Court earlier taken up the appeals in LAAS Nos.205 of 2005 and batch (total 11 in number) directed against the common order, dated 30-09-2004, in O.P. Nos.46 of 2000 and batch, passed by the learned Principal Senior Civil Judge, Vijayawada, which lands under acquisition were for establishment of permanent railway corridor for the proposed HPCL at Kondapalli, somehow, even the appeals herein were included in that batch and disposed of by a common judgment, dated 21-04-2009 remitting the matter to the reference Court for fresh consideration.

5. Subsequently, as it came to light that the instant

two appeals relate to a different batch of cases and there were also some more appeals relating to the said batch in respect of instant acquisition, the said common judgment was recalled and appeals were restored to file by passing an order to that effect in the applications filed by the appellants herein. Thus, the instant appeals are restored by recalling the order relating to these appeals from the common judgment, dated 21-04-2009 pursuant to the order, dated 18-01-2016, passed in LAASMP Nos.1072 and 1073 of 2015 by imposing a condition to pay costs of Rs.5,000/- by the appellant. The said order was complied with, as borne out by record and, thus, these two appeals are restored to file and have come up for hearing today before us.

6. Heard Sri P. Roy Reddy, learned Standing Counsel for the appellant - APIIC in both the cases. There is no representation for respondent No.1 in LAAS No.980 of 2003. Though, notices sent to the surviving respondents in LAAS No.963 of 2003, some of them returned as un-served and remaining as unclaimed. However, the same would not make any difference in disposing of the matters as they relate to the year 2003 and are squarely covered by the common judgment rendered in a batch of cases in A.S. No.956 of 2003 and batch.

7. It is brought to our notice by the learned Standing

Counsel for the appellant - APIIC that, out of the aforesaid 40 cases batch,

A.S. Nos. 956, 957, 958, 962, 964, 965, 966, 969, 971, 972, 974, 975, 976, 978, 981, 983, 985, 987 and 990 of 2003, which were restored, as one set of cases, were already disposed of by a Division Bench of this Court along with cross-objections filed therein, by a common judgment, dated 11-03-2014 in A.S. Nos. 790 of 2003 and batch, to which I was a party. While disposing of the said batch cases, this Court fixed the market value at Rs.1,21,000/- per acre and deducted 1/3rd there-from and, thus, arrived the market value for the acquired land at Rs.80,667/- by taking into consideration the cross-objections filed by the respective claimants.

i) The learned Standing Counsel would further submit that the instant appeals are covered by the common judgment passed by this Court in A.S. No. 790 of 2003 and batch, dated 11-03-2014 and, therefore, to dispose of these two appeals, however, submitting that in these matters no cross objections have been preferred by the respective claimants and, therefore, requested to confirm the amount awarded by the reference Court at Rs.70,222/- per acre by dismissing the appeals.

8. Since these two appeals are also subject matter of very same notification and the award No.5 of 1993,

dated 04-02-1994 passed by the LAO, we find merit in the submission made by the learned Standing Counsel. A copy of the common judgment, dated 11-03-2014 in A.S. No.790 of 2003 and batch is placed on record. Since no cross objections have been filed by the respective claimants, we are of the view, that the instant appeals are liable to be dismissed, confirming the market value at Rs.70222/- per acre fixed by the reference Court.

9. Thus, both the appeals are dismissed. There shall be no order as to costs.

10. As a sequel thereto, Miscellaneous Applications, if any, pending in these appeals, stand disposed of.

G. CHANDRAIAH,

J

A. SHANKAR NARAYANA, J

February 25, 2016.

Mgr

