

HON'BLE SRI JUSTICE G. CHANDRAIAH

AND

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

L.A. A.S. No.22 OF 2007

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

The State, through the Land Acquisition Officer - cum - Mandal Revenue Officer, Arvapally, preferred the instant appeal challenging the order and decree, dated 19-12-1990, passed by the learned Subordinate Judge, Suryapet, in O.P. No.83 of 1985, whereby and whereunder, market value fixed by the Land Acquisition Officer at Rs.3,500/- per acre was enhanced to Rs.18,000/- per acre and fixing compensation for the 'well' at Rs.15,000/-, on the ground that enhancement of market value was unreasonable and excessive, despite no convincing documentary evidence was forthcoming.

2. Turning to the fact-situation, by issuing notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act'), published on 03-03-1983, an extent of Acs.6-77½ cents of land comprised in Survey Nos.312, 314, 315, 316, 45/1, 45/2 and 35/3 situated at Nagaram village was acquired for providing house sites to the weaker sections. The Land Acquisition Officer (LAO) taking the sale statistics during the relevant period preceding the notification under Section 4(1) of the Act,

fixed market value for the acquired land at Rs.3,500/- per acre, but has not granted any amount to the 'well', which became useless.

3. The claimants, feeling dissatisfied with the market value fixed by the LAO, made a request under Section 18 of the Act for referring the matter to the Civil Court and, accordingly, the LAO referred the matter to the Subordinate Court, Suryapet, and the reference was registered as O.P. No.83 of 1985.

4. During enquiry, on behalf of the claimants, PWs.1 to 4 were examined and Exs.A-1 to A-3 were marked besides Ex.X-1 and Exs.C-1 to C-5. On behalf of the LAO, no witnesses were examined, but a copy of the award passed by the LAO, dated 25.10.1985, was marked as Ex.B-1, on consent.

5. Before the reference Court, the claimants in their claim statement sought to fix market value for the acquired land at Rs.20,000/- per acre and Rs.35,000/- for the 'well', for which no amount was granted by the LAO.

6. The reference Court having examined the evidence on record, both, oral and documentary, let in by the claimants, discarded Ex.A-1 agreement of sale, on the ground that it was only a stamped document and not a registered one and the rate shown therein as Rs.1,500/- per gunta was abnormal during the relevant period.

However, considering Ex.C-2, village map showing location of the land covered by Ex.X-1 sale in Survey No.6 which is almost adjacent to the land under acquisition and taking into consideration the value of the acquired land from the Property Assessment Register, the extract of which is filed and marked as Ex.C-1, showing the rate at Rs.8/- and Rs.9/- per square yard, opining that the claimants cannot be deprived of reasonable compensation, fixed market value for the acquired land at Rs.18,000/- per acre as against Rs.3,500/- per acre awarded by the LAO. So far as value for the 'well' is concerned, the reference Court has granted Rs.15,000/- by assigning certain reasons.

7. It is the aforesaid order which is under challenge in the instant appeal mainly on the ground that the reference Court without there being any legally acceptable evidence enhanced the market value just based on Ex.C-1 Property Assessment Register, though, discarded sale price shown in Ex.A-1. Even concerning well, though, it has become useless and though, the claimants are not entitled to any amount for the same, the reference Court arbitrarily fixed value for the same at Rs.15,000/-.

8. Heard the learned Government Pleader for Appeals appearing for the appellant - LAO.

9. None appears for the claimants despite service of

notices.

10. Perused the order under challenge and the evidence on record, both, oral and documentary, let in by the respective parties.

11. We find that the reference Court rightly rejected Ex.A-1 as it is only a stamped agreement of sale but the value shown thereunder is abnormal. However, concerning Ex.C-1, extract of the Property Assessment Register, showing the rate of the land at Rs.8/- and Rs.9/- per square yard cannot be sidelined when examined in the light of Ex.C-2, which is village map reflecting location of the acquired land almost adjacent to the land covered by Ex.A-1. That has been the reason, the reference Court has enhanced the market value for the acquired land by fixing the rate at Rs.18,000/- per acre as against Rs.3,500/- fixed by the LAO; certainly, that finding recorded by the reference Court, giving deduction of 50% as the land was acquired for house sites cannot be faulted as it is based on appreciation of evidence on proper lines. Therefore, we find no merit in the instant appeal so far as fixation of market value of the land at Rs.18,000/- per acre is concerned.

12. Turning to the value fixed to the well, though, it was not in use, still, the claimants are entitled to compensation for the same.

The reference Court based on the evidence on record i.e., Exs.C-3, C-4 and C-5 and the evidence of PW.1, fixed market value for the well at Rs.15,000/-, which is also reasonable; and, therefore, fixation of market value for the land as well as 'well' is just and reasonable, certainly, does not warrant interference.

13. Therefore, the appeal is dismissed confirming the order and decree under challenge in all respects. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

G. CHANDRAIAH, J

A. SHANKAR NARAYANA, J

March 8, 2016.

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