

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

APPEAL SUIT No. 4081 of 2003

JUDGMENT : *(Per VRS,J)*

This appeal is filed by the land owners under Section 54 of the Land Acquisition Act, 1894 (for brevity 'the Act'), challenging the award of the Senior Civil Judge, Adoni, rejecting their claim for enhancement of compensation.

2. Heard the learned counsel for the land owners/appellants and the learned Government Pleader for the referring officer/respondent.

3. By a notification published on 31.07.1986 under Section 4(1) of the Act, the land of an extent of Acs.2.50 cents in Survey No.256/2 was acquired. In award No.1/2000 passed on 30.08.2000, the Land Acquisition Officer fixed the marked value at the rate of Rs.5,000/- per acre. After the award, the land owners sought a reference under Section 18 of the Act. The reference was taken up in O.P.No.57 of 2000 by the Senior Civil Judge, Adoni, who by an order dated 31.07.2003 rejected the claim for enhancement. Aggrieved by the order of the referring

Court, the land owners are before us.

4. The Land Acquisition Officer took note of the sale transaction that took place during a period of three years immediately preceding the date of notification under Section 4(1) of the Act and came to the conclusion that the fair market value would be Rs.5,000/- per acre. Before the referring Court, the land owners examined four witnesses and marked two Sale Deeds respectively dated 30.01.1992 and 06.01.1997 as Exs.P.1 and P.2. The referring officer examined himself as R.W.1 and filed a copy of the award as Ex.R.1 and the proceedings as Ex.R.2.

5. Under Ex.P.1, the land of an extent of 4 ½ cents in Survey No.436 of Bollavanipalem Village had been purchased for a sale consideration of Rs.60,000/- per acre. But unfortunately, the Sale Deed-Ex.P.1 was dated six years after the date of the notification under Section 4(1) of the Act. More over, the acquired land was in Yerragudi Village, whereas the land covered by Ex.P.1 was in Bollavanipalem Village. Therefore, the referring Court rightly rejected Ex.P.1.

6. The next document relied upon by the land owners

was Ex.P.2. But, Ex.P.2 had come into existence at least after 10 years of the date of notification under Section 4(1) of the Act. Therefore, this document was also rightly rejected by the referring Court.

7. Other than Exs.P.1 and P.2, the land owners relied upon the oral evidence of their neighbour, examined as P.W.4. Though P.W.4 stated that he sold Acs.7.00 of land at the rate of Rs.60,000/- per acre, he did not produce any document. Therefore, in the absence of a document being produced, the evidence of P.W.4 was not admissible.

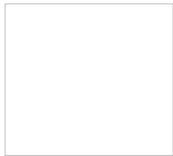
8. In fact, the referring Court was handicapped in the absence of any document to support the case of the land owners and, hence, rejected their claim for enhancement. Even before us, the land owners could not produce any Sale Deed under Order XLI Rule 27 of C.P.C. Therefore, we see no reason to interfere with the award of the referring Court. Hence, the Appeal Suit is dismissed.

Consequently, miscellaneous petitions if any pending in the appeal shall stand dismissed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

**A. SHANKAR
NARAYANA, J.**

6th June, 2016
cbs



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