HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

L.A.A.S.Nos.
808,809,810,811,812,813,
814,815,816,817,818,819,
820,821,822,823,824,825,
826 and 827 of 2011.

DATED 12th April, 2016

BETWEEN

Perugu Venkata Swamy

….Appellant in LAAS No. 808 of 2011 and ors.

And

The Special Deputy Collector-cum-
Land Acquisition Officer, SRBC,
Nandyal, Kurnool District

…Respondent in all Appeals

HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

L.A.A.S.Nos.
808,809,810,811,812,813,
814,815,816,817,818,819,
820,821,822,823,824,825,
826 and 827 of 2011.

COMMON JUDGMENT:
(**Per Hon'ble Sri Justice A.SHANKAR NARAYANA)**

Having heard the learned Counsel on either side and gone through the material available on record, We are intended to remand the matters to the Reference Court for the reason that Sri A. Venkata Ramana, who was the sole witness in all these batch of OPs having filed affidavit in chief examination, has not turned up for his cross examination by the Opposite Party and thereby deprived the opportunity of cross examining him by the Opposite Party being the Special Deputy Collector-Land Acquisition Officer and for that reason, the Reference Court has eschewed his evidence and thereby confirmed the market value fixed in the award passed by the Land Acquisition Officer.

Turning to the facts, which we state in brief as follows: Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was published in the Gazette on 18.09.1997 and draft declaration under Section 6 of the Act was published on 16.12.1997 for acquiring the land to the total extent of Ac.24.19 cents comprised in various survey numbers in Thudicherla village of Jupadubungalow Mandal in Kurnool District for the purpose of inlet channel of Alaganur Balance Reservoir. The Land Acquisition Officer having considered the relevant sale statistics for the period preceding issuance of 4(1) Notification and as against the claim of the claimants at Rs.1,00,000/- per

acre, fixed the market value of the land acquired at Rs.45,000/- per acre on the ground that the nature of the land acquired was 'dry' and granted statutory benefits. Aggrieved by the same, the appellants/claimants sought reference under Section 18 of the Act and accordingly the matter was referred to Civil Court, wherein the respective claims of the claimants were registered as OP.No.65 of 2000 and Batch. Before the Reference Court, on behalf of the claimants, R.W.1 was examined in chief, however, he did not turn up for his cross examination by the Assistant Government Pleader appearing on behalf of the Land Acquisition Officer. In his evidence, an original registered sale deed was marked as Ex.C.1. Since R.W.1 did not turn up for his cross-examination by the Opposite Party/LAO, the Reference Court eschewed his evidence and thereby the Reference Court was constrained to confirm the market value fixed by the Land Acquisition Officer at Rs.45,000/- per acre.

When we have taken up the matters for hearing, the learned Counsel appearing for the appellants/claimants, Sri S.M. Sudhakar Reddy requested for remanding the matters to the Reference Court by directing that the claimants be given an opportunity for filing documents in support of their respective claims. The learned Government Pleader appearing for the respondent-LAO while opposing the aforesaid contention of the learned Counsel for the appellants/claimants argued that since the evidence of R.W.1 was eschewed, there is no other material for enhancement of compensation sought for by the appellants/claimants and therefore no useful purpose would be served. However, keeping in view the facts and circumstances of the case that the evidence of R.W.1 was eschewed and no other material is available on record and since Ex.C.1, a registered sale, has been excluded from consideration, which was admissible in evidence under Section 51-A of the Act in view of the rider appended thereto, we are of the considered opinion that these matters are required to be remanded to the Reference Court for disposal afresh. We are also of the view that it is desirable to direct the Reference Court to dispose of the OPs, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. Accordingly there shall be an order. The appellants/claimants are directed to cooperate with the Reference Court for early disposal of the OPs within the time frame fixed by this Court hereinabove. The parties are given opportunity to adduce evidence, if so advised, from the stage where the Reference Court has eschewed the evidence of PW.1.

Accordingly the LAASs are allowed to the extent indicated above.

Miscellaneous petitions pending consideration if any in the LAAS shall stand closed in consequence. No order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE A.SHANKAR NARAYANA

DATED 12TH APRIL, 2016.
Msnrx