

HON'BLE SRI JUSTICE G. CHANDRAIAH
&
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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L.A.A.S. Nos. 72 of 2016, 358, 515 and 518 of 2012

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DATE: 02.03.2016

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L.A.A.S.(sr).No.5647 of 2012

Between:

The Special Deputy Collector (LA) .. Appellant

And

Y. Venkataramana Reddy .. Respondent

-
L.A.A.S.No. 358 of 2012

Between:

The Special Deputy Collector (LA) .. Appellant

And

Y. Narayanamma ..
Respondent

-
L.A.A.S.No. 515 of 2012

Between:

The Special Deputy Collector (LA) .. Appellant

And

K. Veerabhadraiah .. Respondent

-
L.A.A.S.No. 518 of 2012

Between:

The Special Deputy Collector (LA) .. Appellant

And

K. Sivamma .. Respondent

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

The instant batch of appeals are preferred by the Special Deputy Collector, Telugu Ganga Project, Nandyal, Kurnool District being aggrieved by the common order dated 11.04.2011 passed by II Additional Senior Civil Judge, Nandyal in O.P.Nos.462, 463, 464, 465 and 466 of 2009 on the ground that the enhancement of market value is highly excessive and arbitrary.

The brief facts of the case are that the Special Deputy Collector (Land Acquisition), Telugu Ganga Project, Nandyal had acquired extents of Ac.0.25 cents in Sy.No.65/2, Ac.0.20 cents in Sy.No.66/1, Ac.0.61 + Ac.0.20 cents in Sy.Nos. 57/1 and 46/1, Ac.0.09 cents in Sy.Nos.56/2B and 48/2B and Ac.0.96 + Ac.0.44 cents in Sy.Nos.47/2B and 37/2 respectively belonging to the claimants in the aforesaid Original Petitions, situated in Gajulapalli village, Mahanandi Mandal for excavation of Major Distributory from 0.000 kms to 2.800 kms in Block No.15 B under Telugu Ganga Project by way of publishing a Draft Notification on 15.02.2005 under Section 4(1) of

the Land Acquisition Act (for brevity "the Act") and passed an Award No.6/2005-06, dated 01.08.2005. The Land Acquisition Officer categorized the entire extent of land into two i.e. dry land for which market value was fixed at Rs.35,000/- per acre and the second category was the land irrigated through bore well for which market value was fixed at Rs.45,000/- per acre, and thus, awarded compensation with all statutory benefits. The claimants, being dissatisfied with the fixation of market value, made a request to the Land Acquisition Officer to refer the matter to the Civil Court under Section 18 of the Act, and accordingly, the matter was referred to II Additional Senior Civil Judge, Nandyal, Kurnool District.

Before the Reference Court, on behalf of the claimants, R.Ws.1 and 2 were examined and Ex.B1 – certified extract of registered sale deed dated 09.02.2004 executed by Turupal Reddy in favour of Ranga Lakshamma was marked. On behalf of the Referring Officer, no witness was examined, however, Ex.A1 – Award No.6/2005-06, dated 01.08.2005 was marked.

The Reference Court, having analyzed the evidence on record both, oral and documentary, let in by the claimants and the Land Acquisition Officer respectively, enhanced the market value for the first category of land from Rs.35,000/- to Rs.70,000/- per acre and for the second category from Rs.45,000/- to Rs.90,000/- per acre and granted all statutory benefits. The common order

dated 11.04.2011 and decrees passed by the Reference Court in O.P.Nos. 462, 463, 464, 465 and 466 of 2009 respectively, are under challenge in the present appeals.

Heard Sri A.V.Sivaiah, learned Government Pleader for Appeals appearing on behalf of the appellants.

We are disposing of these appeals at this stage without effecting notices to the respondents for the reason that the learned Government Pleader has submitted that earlier similar batch of appeals preferred by the Land Acquisition Officer were dismissed by this Court confirming the order passed by the Reference Court and he has referred to batch of cases in which L.A.A.S.No. 519 of 2012 was one of the appeals and he has placed on record the common judgment delivered by this Court on 12.02.2015. We have perused the common judgment. This Court, having referred to the facts, the market value enhanced by the Reference Court and the decision of the Hon'ble Supreme Court in **Sundar v. Union of India**^[1] which is subsequently followed in **Nagpur Improvement Trust v. Jaswanthbai & Others**^[2], confirmed the order in all respects and dismissed the batch of appeals consisting of L.A.A.S.Nos. 322, 324, 511, 514, 516, 517 and 519 of 2012. Since the instant batch of cases are also covered by the very same notification and also the very same award passed by the Land Acquisition Officer - appellant herein, the subject

matter in the present appeals are squarely covered by the Common Judgment rendered by this Court on 12.02.2015.

In that view of the matter, we find no merit in the instant appeals, and accordingly, they are dismissed confirming the common order dated 11.04.2011 passed by the Reference Court in all respects. No order as to costs.

As a sequel to the dismissal of the appeals, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

02.03.2016

**A. SHANKAR
NARAYANA,J**

bcj

[\[1\]](#) 2001(7) SCC 211

[\[2\]](#) 2002(7) SCC 657