

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT JUSTICE ANIS**

L.A.A.S.No.153 of 2016

ORDER: (per V. Ramasubramanian, J.)

This appeal is filed by the Land Acquisition Officer, under Section 54 of the Land Acquisition Act, 1894, questioning the enhancement of compensation granted by the reference Court.

2. Heard the learned Government Pleader for the appellant and Sri Damodar Mundra, learned counsel for the respondent.

3. The land in an extent of 98.29 square yards was acquired by the Greater Hyderabad Municipal Corporation, Hyderabad under a notification dated 19-10-2007, for the purpose of widening of the road. An award was passed on 30-06-2011 granting a compensation of Rs.10,000/- per square yard. The land owner protested and hence, a reference was made.

4. The reference under Section 18 was taken up as O.P.No.1467 of 2011 on the file of II Additional Chief Judge, City Civil Court, Hyderabad. Before the reference Court, the land owner examined himself as PW.1. He marked a certified copy of the award dated 31-10-2008 as Ex.A.1 and a market value certificate as Ex.A.2. No evidence was let in on the side of the reference officer.

5. Ex.A.1 showed that there were four sale transactions in the area in question during the period from 08-03-2006 to 24-03-2008. The value of the land reflected in those transactions ranged from Rs.11,251/- to Rs.27,796/- per square yard. Though there was also

another transaction where the value was mentioned as Rs.53,000/- per square yard, the Land Acquisition Officer rejected the same under Ex.A.1 and fixed the market value of the land covered by Ex.A.1 at Rs.28,000/- per square yard.

6. The market value certificate filed by the land owner as Ex.A.2 indicated that the Government Guideline Value for Rs.40,000/- per square yard.

7. Therefore, considering the fact that in yet another case, the Land Acquisition Officer himself awarded Rs.28,000/- per square yard, the reference Court enhanced the compensation in the present case to Rs.28,000/- per square yard. It is against the said award that the Land Acquisition Officer is before us.

8. The learned Government Pleader assails the award of the reference Court primarily on two grounds viz., 1) that the date of notification under Ex.A.1 was subsequent to the date of notification in the present case; and 2) that the basic value register cannot be taken to be a true reflection of the market value.

9. In the light of the above, the point for determination in this appeal is as to whether the reference Court was right in enhancing the compensation from Rs.10,000/- per square yard to Rs.28,000/- per square yard or not?

10. It is true that the guideline register or the basic value prescribed by the Government for the purpose of undervaluation of documents cannot form the basis for determination of the market value of the property. Therefore, the second ground taken by the learned Government Pleader is actually well taken.

11. But in the case on hand, the property acquired is in the heart of the city at Panjagutta. The enhancement is only from Rs.10,000/- per square yard to Rs.28,000/- per square yard. Such enhancement is also only on the basis of market value fixed by the Land Acquisition Officer in yet another case, a copy of which was marked as Ex.A.1.

12. Though the date of notification to which Ex.A.1 relates is 05-06-2008 and the date of notification to which the present case relates is 19-10-2007, the time gap is not too huge. It is less than a year. The market value could not have jumped from Rs.10,000/- on 19-10-2007 to Rs.28,000/- on 05-06-2008.

13. Therefore, we are of the considered view that the appeal filed by the Land Acquisition Officer is completely devoid of merits and it is liable to be dismissed.

Accordingly, the appeal is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

ANIS, J

Date: 23-09-2016

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