

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT. JUSTICE ANIS

APPEAL SUIT No.1425 of 2003

JUDGMENT: (Per Hon'ble Sri Justice Sanjay Kumar)

This appeal under Section 54 of the Land Acquisition Act, 1894, was filed by the claimants in L.A.O.P.No.10 of 1992 on the file of the learned Principal Senior Civil Judge, Gudur, aggrieved by the denial of compensation for the 11 mango trees and 5 palmyra trees which were allegedly in existence on the acquired land.

By order dated 28.02.2002 passed in the aforestated O.P., the Reference Court of the learned Principal Senior Civil Judge, Gudur, did not grant any compensation to the appellants/claimants in relation to the trees as claimed by them.

Learned Government Pleader for Appeals appearing for the State asserted that there is no evidence on record in proof of the existence of the trees and therefore the question of awarding compensation therefor did not arise.

By order dated 09.06.2006, this Court required the learned counsel for the appellants to produce a copy of the Award passed by the Land Acquisition Officer to ascertain the existence of the trees on the land acquired from the appellants/claimants.

However, Sri Ch. C. Krishna Reddy, learned counsel for the appellants, fairly states before us today that a copy of the Award is not available but the preliminary valuation statement provided to him does not demonstrate recording the existence of trees. He would however point out that the words '11 mango' were written in hand thereafter.

Though this is so, we find no authentication for this interpolation.

Learned counsel would further assert that in the oral evidence it was brought out that these trees were in existence.

We are left unimpressed by this submission as it has to be brought out on record by way of some documentary evidence that the trees were in existence on the acquired land as claimed by the appellants/claimants. There is admittedly no documentary evidence in proof of this claim.

The appeal therefore fails on this ground and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

18th October, 2016
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SANJAY KUMAR, J

ANI S, J