THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

L.A.A.S.Nos.308, 326, 327, 450, 451, 454, 455, 467, 486, 487, 541, 542, 550, 553, 569, 571, 646, 647, 648 and 1134 of 2011

COMMON JUDGMENT: (per SK,J)

This batch of appeals under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act of 1894'), arises out of the common order dated 30.04.2009 passed by the Reference Court of the learned II Additional Senior Civil Judge, Nandyal, in a batch of reference O.Ps. under Section 18 of the Act of 1894.

These matters pertain to acquisition of land by the State for excavation of Srisailam Right Bank Canal, Block No.I. A total extent of Acs.21.96 cents situated in Udumulapuram Village of Nandyal Mandal was acquired in this regard under the draft Notification issued under Section 4(1) of the Act of 1894 on 31.12.1998. Thereafter, the draft declaration under Section 6 of the Act of 1894 was published on 05.01.1999. Under the Award dated 29.03.1999, the Land Acquisition Officer relied upon sale deeds of comparable lands and fixed the compensation payable to the land owners at Rs.36,000/- per acre. Aggrieved thereby, they sought reference under Section 18 of the Act of 1894.

No oral evidence was adduced by the Land Acquisition Officer before the Reference Court but Award No.28/99 dated 29.03.1999 was marked as Ex.A.1. The claimants examined themselves as R.W.1 in each of the O.Ps. and marked in evidence six exhibits. Exs.B5 and B6 were certified copies of the sale deeds of comparable land, wherein the sale consideration was fixed at Rs.2,00,000/- per acre. Ex.B1 was the certified copy of the map issued by the Divisional Accounts Officer, SRBC Division, Nandyal. Exs.B2, B3 and B4 were certified copies of the common orders

passed in other reference O.Ps. by the Reference Court of the learned Principal Senior Civil Judge, Nandyal. By the common order under appeal, the Reference Court enhanced the compensation to Rs.80,000/- per acre. Aggrieved thereby, the Land Acquisition Officer is in appeal.

Heard the learned Government Pleader for Appeals appearing for the appellant in this batch of appeals, and Sri K.Ratanga Pani Reddy, learned counsel for the respondents/claimants in these appeals.

Perusal of the common order under appeal reflects that the Reference Court did not take into account Exs.B5 and B6 relied upon by the respondents/claimants. What weighed with the Reference Court was Ex.B4, the certified copy of the common order in O.P.No.25 of 2001 and batch passed by the Reference Court of the learned Principal Senior Civil Judge, Nandyal. This O.P. related to enhancement of compensation for the lands acquired in Balapanur Village, which was at a further distance from Nandyal Town than Udumulapuram Village. Under Ex.B4, the compensation was enhanced by the Reference Court to Rs.65,000/- per acre. The Reference Court found that Udumulapuram Village was not only closer to Nandyal Town when compared to Balapanur Village, but was also proximate to the National Highway No.18, being at a distance of just three kilometres.

As the enhancement of compensation payable for the lands of Balapanur Village to Rs.65,000/- per acre was accepted by the State and had attained finality, the Reference Court opined that the lands in Udumulapuram Village, which was not only closer to Nandyal Town when compared to Balapanur Village but was also proximate to the National Highway, would fetch higher price. On this basis, going by the fixation of the market value of the Balapanur Village lands at Rs.65,000/- per acre,

the Reference Court fixed the value of the lands at Udumulapuram Village at Rs.60,000/- per acre. The lands at Balapanur Village were comparable to the lands in Udumulapuram Village in as much as both were agricultural dry lands. Therefore, distance from Nandyal Town and the National Highway would play a role in determining their value.

The approach adopted by the Reference Court therefore cannot be found fault with. Further, as the State seems to have accepted the value of the Balapanur Village lands at Rs.65,000/- per acre and as the lands at Udumulapuram Village were admittedly better situated being closer to Nandyal Town and also the National Highway, fixation of the value of such lands at Rs.80,000/- per acre cannot be said to be unreasonable or arbitrary. The enhancement effected by the Reference Court therefore does not warrant interference in exercise of appellate jurisdiction.

The appeals are accordingly dismissed. Interim orders passed in the appeals shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR,J

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J.UMA DEVI,J

Date:30.10.2017

GJ