

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE N. BALAYOGI**

L.A.A.S. No.1027 of 2011

JUDGMENT (Oral): (per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, under Section 54 of the Land Acquisition Act, 1894, the appellant – State of Andhra Pradesh assails the order and decree dated 11.03.2011 in L.A.O.P.No.72 of 2007 passed by the Judge, Family Court-cum-VII Additional District and Sessions Judge, Medak District at Sangareddy (for brevity “the reference Court”) whereby the L.A.O.P. filed by the respondents – Claimants was partly allowed, enhancing the market value from Rs.6/- per square meter to Rs.11-40 ps per square meter in respect of the acquired structures/houses covered by Ex.B.1 - Award, with a direction that the respondents-claimants are further entitled to enhanced market value by 50% of the estimates made by PW.2 under Exs.A.2 to A.16. It is also directed that the respondents-claimants are further entitled to solatium @ 30% of enhanced market value and additional allowance @ 12% on the enhanced market value and solatium interest @ 9% per annum for one year from the date of award and thereafter @ 15% per annum till realization on the enhanced compensation, solatium and additional allowances and also entitled to any other Statutory benefits as per latest amendment of the Land Acquisition Act.

2. The present appeal is filed mainly on the ground that the reference Court erred in enhancing the market value from Rs.6/- to Rs.11.40 per square yard for the acquired structures/houses.

3. The learned Government Pleader for Land Acquisition appearing for the appellant – State submits that the reference Court relied upon the report filed by PW.2 – Private Engineer, Mr. Mohd. Muneeruddin, who visited the village and assessed the market value of the houses with reference to the construction material used.

4. It appears from the impugned order that PW.2 and his assistants camped at Pulkurthy village for two days i.e., on 10.11.1996 and 11.11.1996 and taken measurements of the acquired structures under the cover of panchanama and prepared the detailed estimates of the value of the acquired structures. In addition to the above, PW.4, who is claimant No.7 in O.P.No.92 of 2003, was examined to prove the sale under Ex.A.15 in respect of the open land at Pulkurthy village, who deposed that he purchased 100 square yards @ Rs.30/- per square yard on 07.07.1990. Further, PW.5, who is one of the claimants in O.P.No.152 of 2001 and batch, deposed that as per the orders dated 05.04.2004 in the said batch of appeal under Ex.A.23, the reference Court enhanced the value of the acquired open place located at Athmiyal

village from Rs.6/- per square meter to Rs.11.40 per square meter. Further, RW.1, who is the Incharge of LAO, Singoor Project, admitted that the Government did not prefer any appeal as against the said orders under which the market value of the acquired structures and open lands were enhanced. In the cross-examination, RW.1 further admitted that Pulkurthy and Athmiyal villages were submerged in Singoor Project and the value of the structures of these villages fixed by various Courts basing on the estimations given by private Engineers has been accepted by the Government. He also admitted that the District Court enhanced the value of structures that were acquired for similar purpose of submergence in Singoor Project in Athmiyal village and the Government did not prefer appeal against the said order.

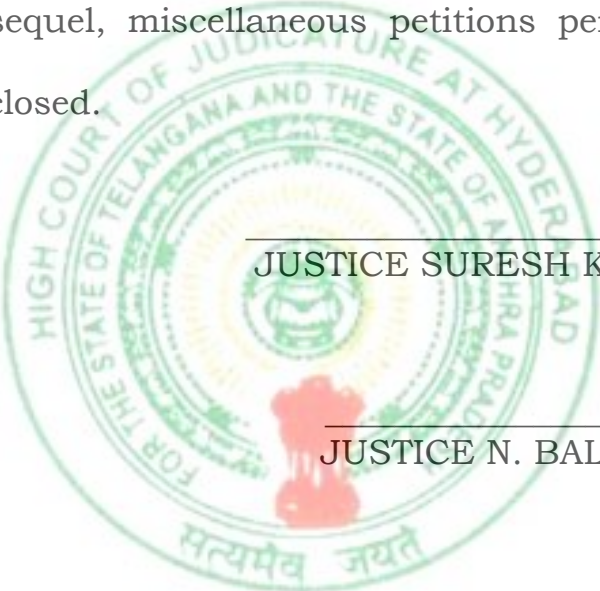
5. In addition, the District Judge, Medak, recorded detailed findings in his order dated 05.04.2004 in O.P.No.152 of 2001 and batch. The learned Judge has taken into consideration various aspects and based his findings on various settled propositions of law, came to the conclusion that the claimants in those O.Ps. are entitled for enhancement of compensation for the lands, house sites from Rs.6/- to Rs.11.40 ps per square meter.

6. We note that basing on the same, the successor of the Court mentioned above had also passed orders in other batch

of O.Ps. enhancing the market value of the open land and structures that were acquired in Pulkurthy village. Further, as admitted by RW.1, no appeal is preferred by the Government against the said judgments and the said judgments have become final.

7. In view of the facts recorded above, we find no merit in the present appeal and accordingly, the appeal is dismissed. No order as to costs.

8. As a sequel, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE SURESH KUMAR KAIT

JUSTICE N. BALAYOGI

31.07.2017.
Msr

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
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31.07.2017
Msr