

***THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

AND

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

+ Appeal Suit No.1693 of 2003

% 14-06-2017

The Special Deputy Collector, Land Acquisition
Unit, Huzurabad.

.... Appellant

AND

Arreli Lingaiah and 53 others.

.... Respondents

! Counsel for Appellant : Government Pleader for Appeals (TB)

^ Counsel for respondent : Sri T. Ramulu

< Gist:

> Head Note:

? Cases referred:



**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Delivered on: 14-06-2017

Coram:

**The Honourable Mr. Justice V.RAMASUBRAMANIAN
and
The Honourable Sri Justice M.S.K. JAISWAL**

Appeal Suit No.1693 of 2003

Between:

The Special Deputy Collector, L.A. Unit, Huzurabad

... Appellant

Vs.

Arreli Lingaiah and 53 others

.. Respondents

For Appellant : G.P. for Appeals (Telangana)

For Respondents : Mr. T. Ramulu

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M.S. K. JAIWAL

Appeal Suit No.1693 of 2003

ORDER: (V. Ramasubramanian, J)

Challenging the enhancement of compensation awarded by the reference Court, the Land Acquisition Officer, has come up with this appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Government Pleader for Appeals for the State of Telangana and Mr. T. Ramulu, learned counsel appearing for some of the respondents.

3. The land of an extent of Ac.13.28 $\frac{1}{4}$ guntas in Rachapalli village, Jammikunta Mandal, Karimnagar District was acquired for the purpose of excavation of canal. An award was passed on 25.06.1988 fixing the market value of the land at Rs.5,000/- per acre. On a reference made under Section 18 of the Act, the Reference Court enhanced the compensation at Rs.20,000/- per acre, forcing the Land Acquisition Officer to come up with the above appeal.

4. The Land Acquisition Officer took note of 9 sale transactions that took place within 3 years immediately preceding the date of notification under Section 4 (1) of the Act. But he discarded some of them as being wet lands. Though there was another sale transaction relating to a dry land, the same was also discarded by the Land Acquisition Officer on the ground that the

same was purchased for commercial purpose. Eventually, the Land Acquisition Officer took note of the sale transaction listed as item-7 and fixed the market value at Rs.5,000/- per acre.

5. Before the Reference Court, the claimants were examined as PWs.2 and 4. The vendor under Ex.A.1 was examined as PW.3. Ex.A.1 was the certified copy of the sale deed dated 01-09-1984. Exs.A.2 to A.4 were the certified copies of the orders passed in connection Original Petitions.

6. The Land Acquisition Officer, examined himself as RW.1 and filed the copy of the award as Ex.B.1.

7. The Reference Court found that the rejection of a certain transactions on the ground that they relate to wet lands and the rejection of another sale transaction on the ground that it related to a dry land sold for commercial purpose, cannot go together. Therefore, the Court below found that at least the transaction under Ex.A.1, the genuineness of which was testified by PW.3, should have been taken into account.

8. On verification of the records, the trial Court found that the lands covered by Ex.A.1 are situated near the acquired lands and that both the lands are similar in nature, texture and potentiality. Coupled with the fact that even as per the statement of the Land Acquisition Officer, the sale deeds reflected a lower rate, the inference made by the trial Court was inevitable.

9. As a matter of fact the reference Court found that even the amount of Rs.20,000/- per acre as reflected in Ex.A.1 was low since

the value had gone up. However, the Reference Court fixed the compensation at Rs.20,000/-.

10. The judgment of the Reference Court shows that the oral and documentary evidence were properly appreciated and that the Reference Court came to the conclusion on above parameters. Therefore, the decision of the Reference Court does not call for interference.

Accordingly, the appeal is dismissed. There will be no order as to costs. Consequently, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M.S.K. JAISWAL, J

Date: 14-06-2017

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