

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

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

A.S.No.2055 of 2003

ORDER: (V. Ramasubramanian, J)

Challenging the enhancement of compensation granted by the reference Court under Section 18 of the Land Acquisition Act, 1894 from Rs.5,000/- per acre to Rs.20,000/- per acre, the Land Acquisition Officer, Huzurabad, has come up with the above appeal under Section 54 of the Act.

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

3. The land of an extent of about Ac.4.09 guntas in Rachapalli village, Jammikunta Mandal, Karimnagar District was acquired by the Government for the purpose of excavation of a canal. In an award passed on 31-05-1988, the Land Acquisition Officer, fixed the market value of Rs.5,000/- per acre. On a reference sought under Section 18, the reference Court enhanced the compensation to Rs.20,000/- forcing the Land Acquisition Officer to come up with the above appeal.

4. The Land Acquisition Officer took note of 7 sale transactions and adopted a sale deed dated 19-06-1985 to arrive at the market value of the acquired land at Rs.5,000/- per acre. Before the Reference Court, 3 claimants were examined as PWs.1 to 3 and the Land Acquisition Officer was examined as RW.1. A copy of the sale deed vide document No.1437 of 1984 was filed as Ex.A.1 and

the certified copies of the order and decree in O.P.No.50 of 1996 were filed as Exs.A.2 and A.3. The Land Acquisition Officer filed the copy of the award proceedings in Award No.20/88-89 as Ex.B.2.

5. It is seen from the judgment of the reference Court that the Government invoked the emergency clause and took possession of the land on 09-03-1984. The notifications and declarations were published much later and the award enquiry itself concluded on 14-05-1987.

6. Based upon the very map filed by the Land Acquisition Officer, the Reference Court came to the conclusion that the acquired lands are located far away from the land covered by the adopted sale deed. Therefore, the Reference Court found that the adopted sale deed did not reflect the true market value of the property.

7. The Reference Court then took note of the similarities between the land covered by Ex.A.1 and the acquired land. The evidence of PW.3 showed that the land of an extent of Ac.0.20 guntas was sold under Ex.A.1 for a consideration of Rs.500/- per gunta, working out to Rs.20,000/- per acre. Therefore, the reference Court found that the market value of the acquired land could be reasonably fixed at Rs.20,000/- per acre.

8. The above reasonings given by the Reference Court are based upon oral and documentary evidence. Once there is a factual finding that the land covered by the sale deed adopted by the Land Acquisition Officer, was located far away, then the only piece of

evidence available is Ex.A.1. Therefore, the Reference Court was right in its approach in taking note of Ex.A.1 and enhancing the compensation. There are no merits in the appeal. Hence, it is dismissed.

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

V. RAMASUBRAMANIAN, J

Date: 14-06-2017

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M.S.K. JAISWAL, J

