

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

Delivered on :15-06-2017

Coram :

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

APPEAL SUIT No.664 of 2004

Between:

The Land Acquisition Officer and
Special Deputy Collector,
Y.R.P. Unit – III, Peddapuram,
East Godavari District.

Appellant/respondent

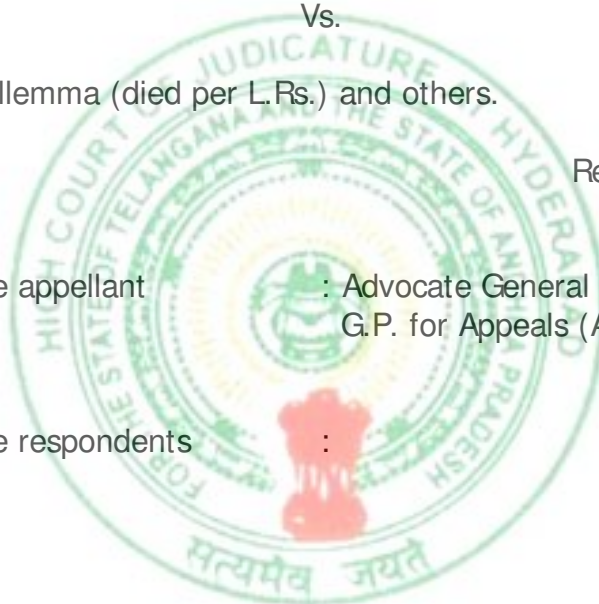
Vs.

1. Geesala Bullemma (died per L.Rs.) and others.

Respondents/claimants

Counsel for the appellant : Advocate General (A.P.) rep by
G.P. for Appeals (A.P.)

Counsel for the respondents :



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

A.S.No.664 of 2004

JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the enhancement of compensation granted by the reference Court from Rs.20,640/- per acre for wet land and Rs.18,000 per acre for dry land with wet crops and Rs.12,000/- per acre for dry land with dry crops, to Rs.50,000/- per acre for wet land and Rs.40,000/- per acre for dry land, the Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Government Pleader for Appeals (A.P.).

3. An extent of Ac.27.56 cents of dry and wet land in various survey numbers, of J. Annavaram Village, covered by this batch of O.Ps, was acquired by the Government for the purpose of submersion under Yeleru Reservoir project. After taking note of certain registration statistics obtained from the Sub-Registrar, the Land Acquisition Officer fixed the compensation as above.

4. Not satisfied with the award, the land owners sought a reference. By a judgment dated 02.09.2000 passed in L.A.O.P.Nos.234, 235, 236 and 185 of 1996, the reference Court enhanced the compensation to Rs.50,000/- per acre for wet land and Rs.40,000/- per acre for dry land. It is against the said judgment the present appeal is filed.

5. As stated earlier, the Land Acquisition Officer took note of certain registration statistics obtained from the Sub-Registrar at the time of acquisition of the land and also after considering the fertility, utility and income yielding capacity of the land, fixed the market value of the acquired land at Rs.20,640/- per acre for wet land and Rs.18,000 per acre for dry land with wet crops and Rs.12,000/- per acre for dry land with dry crops.

6. Before the reference Court the Senior Assistant in the office of the Revenue Divisional Officer, Peddapuram, was examined as PW.1. He filed the certified copy of No.2 Adangal for the Faslis 1396 and 1397 as Ex.P.1. The land owner was examined as RW.1 and one of the purchasers, under sale deed dated 23.01.1980 filed as Ex.R.1, was examined as RW.2. They filed Exs.R.1 to R.4 on their behalf.

7. The market value reflected under Ex.A.1 was Rs.50,000/- per acre. This Ex.A.1 came to be considered in a judgment of this Court in A.S.No.2733 of 1996, dated 26.02.1998, a copy of which was filed as Ex.R.3. Therefore, taking this judgment as mile stone, the Court below fixed the market value of the wet land at Rs.50,000/- per acre and for the dry land at Rs.40,000/- per acre. Since the judgment of this Court formed the basis for such a conclusion, we see no reason to interfere with the judgment of the reference Court. Hence the appeal is dismissed.

8. As a sequel, miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE N. BALAYOGI

15th June, 2017
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

APPEAL SUIT No.664 of 2004

(Per VRS,J)



15th June, 2017
Js.