

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.483 of 2004

Between:

The Land Acquisition Officer,
(Special Deputy Collector)
S.R.S.P., Pochampad.

Appellant/respondent

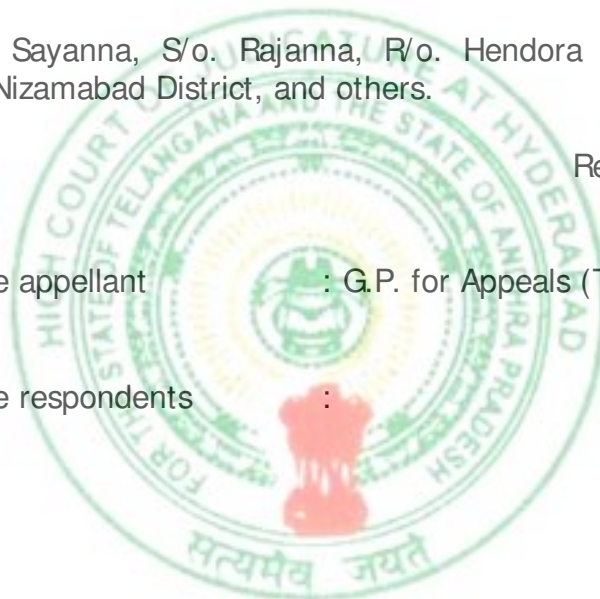
Vs.

1. Noothpally Sayanna, S/o. Rajanna, R/o. Hendora Village and Mandal,
Balkonda, Nizamabad District, and others.

Respondents/claimants

Counsel for the appellant : G.P. for Appeals (TG)

Counsel for the respondents :



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

A.S.No.483 of 2004

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

Aggrieved by the enhancement of compensation granted by the reference Court from Rs.10,500/- to Rs.24,000/- per acre 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 (Telangana).

3. Certain agricultural lands situated at Bussapur and Mendora Villages of Balkonda Mandal, Nizamabad District, belonging to the claimants were acquired by the Government for the purpose of excavation of Laxmi Canal SD1 of D2 Km. 0.00 to 1.165 KMs. After taking note of 10 sale transactions, the Land Acquisition Officer fixed the compensation at Rs.10,500/- per acre.

4. Not satisfied with the above order, the land owners sought a reference. By a judgment dated 08.12.1999 passed in L.A.O.P.No.22 of 1993 the reference Court enhanced the compensation to Rs.24,000/- per acre. It is against the said judgment the present appeal is filed.

5. As stated earlier the Land Acquisition Officer took note of 10 sale transactions that took place within a period of three years immediately preceding the date of the notification under Section 4(1). After discarding many of those transactions, the Land Acquisition Officer took note of sale deeds in Sy.Nos.918 and 919, and fixed the market value of the acquired land at Rs.10,500/- per acre.

6. Before the reference Court on behalf of the claimants RWs.1 to 4 were examined and Exs.B.1 to B.3 were marked. On behalf of the Referring Officer no oral evidence was adduced but the copy of the Award was marked as Ex.A.1.

7. RW.1 was the claimant. RW.2 was a person whose land was acquired for the very same purpose of excavation of Laxmi canal. The compensation awarded by the Land Acquisition Officer at Rs.8,000/- per acre was enhanced to Rs.23,000/- per acre by the reference Court in O.P.No.140 of 1990, was filed as Ex.B.1.

8. A person, who purchased Ac.0.16 guntas of land for a consideration of Rs.15,000/- under Ex.B.2, was examined as RW.3. He stated that the land purchased by him was away from the acquired land by 4 to 5 acres.

9. Another person whose lands were acquired for the very same purpose was examined as RW.4. In his case the compensation awarded by the Land Acquisition Officer at Rs.12,000/- per acre was enhanced to Rs.27,000/- per acre in O.P.No.203 of 1991. The copy of the judgment was filed as Ex.B.3.

10. The reference Court rightly found that it cannot go by Ex.B.2, as the land covered by Ex.B.2 was only Ac.0.16 guntas. If the reference Court had gone by Ex.B.2 it should have fixed the compensation at Rs.30,000/- per acre. But the reference Court went by the compensation fixed in other cases at Rs.23,000/- and Rs.27,000/- per acre and arrived at a via media to fix the rate at Rs.24,000/- per acre. The finding recorded by the Court below that the lands covered by Exs.B.1 and B.3 were of same nature and were located nearby, is borne out by the records. Therefore, we see no reason to interfere with the judgment of the reference Court. Hence the Appeal is dismissed.

11. 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.483 of 2004

(Per VRS,J)



15th June, 2017
Js.