

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

L.A.A.S.Nos.981, 982, 983, 984, 985, 986 & 987 of 2007

COMMON JUDGMENT: (per SK,J)

This batch of appeals under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act of 1894'), filed by the Special Deputy Collector, Land Acquisition and Rehabilitation, Srisailam Project, Kurnool, are amenable to disposal by way of this common judgment as they arise out of the common Award No.8 of 2004 dated 30.12.2004.

Residential buildings were acquired for formation of a new road in the place of the submerged portion of Sunkesula-Nagaladinne R & B Road. The Draft Notification under Section 4(1) of the Act of 1894 in this regard was published on 06.07.2004 in the Andhra Pradesh Gazette and Daily News Papers. Thereafter, the draft declaration under Section 6 of the Act of 1894 was published on 09.07.2004. The houses of the respondents in this batch of appeals, seven in number, were acquired thereunder. By way of Award No.8 of 2004 dated 30.12.2004, the Land Acquisition Officer accepted the valuation of the houses in terms of the estimation given by the Executive Engineer, T.B.C., Division-I, Kurnool, and awarded compensation to the claimants as under:

Sl. No.	House No.	Area	Name of the house owner	Estimation cost of building with current SSR 2003-2004	Depreciation as per G.O.Ms.No.91, dt:5.8.82 at 45% and 10% less as para (7) of G.O.292	Net cost of the Building
1	2	3	4	5	6	7
1	2-161-1	1.094	Kammari Ramaiah s/o Rangaiah	98,245/-	49,613/-	48,632/-
2	2-161	1.043	Kammari Brahmaiah s/o Rangaiah	70,803/-	35,632/-	35,171/-
3	2-160	1.699	Kammari Maddaiah s/o Rameswaraiah	99,556/-	50,276/-	49,280/-

4	2-159	1.702	Kammari Suneethamma w/o K.Giddaiah	1,23,085/-	62,158/-	60,927/-
5	2-158	1.524	Chakali Savaramma w/o late Chinna Sunkanna	1,11,189/-	56,150/-	55,039/-
6	2-157	3.050	Karanam Venkateswarlu s/o Late Manikyam	1,81,755/-	91,786/-	89,969/-
7	2-156	2.309	Karanam Venkateswarlu s/o Late Manikyam	58,242/-	29,412/-	28,830/-

Aggrieved by the quantum of compensation awarded to them, the respondents/claimants sought reference under Section 18 of the Act of 1894. It was their claim before the Reference Court that compensation ought to have been awarded to them at Rs.500/- per square foot.

The Land Acquisition Officer was examined as P.W.1, while the Executive Engineer, T.B.C., Division-I, Kurnool, was examined as P.W.2 before the Reference Court. They marked in evidence Ex.A1, being the Executive Engineer's Valuation Report relied upon in the Award, and Ex.A2, a copy of the Award dated 30.12.2004. The claimants examined themselves as R.W.1 in each of the O.Ps., and the private Surveyor, who undertook valuation of the houses at their behest, was examined as R.W.2. The claimants marked Ex.B1, the Revised Valuation Report of the Executive Engineer, T.B.C., Division-I, Kurnool. Ex.X1, being the Valuation Report of R.W.2, the private Surveyor, was marked through Court.

By separate orders dated 21.07.2007, passed in each of the reference O.Ps, the Reference Court of the learned Principal Senior Civil Judge, Kurnool, enhanced the compensation awarded to the respondents/claimants as under:

Sl. No.	O.P.No./Name	LAAS No.	Land structures with acquired H.No./Extent	Award by LAO	Award by Reference Court
1.	16/2005 Kammari Maddaiah s/o Rameswaraiah	987/2007	H.No.2-160 Ext.1.043 sq.yards	Rs.49,280/-	1,27,095/-

2.	17/2005 Karanam Venkateswarlu s/o late Manikyam	982/2007	H.No.2-157 Ext.3.050 sq.yards	Rs.1,04,383/-	Rs.3,08,674/-
3.	24/2005 Kammari Ramaiah s/o Rangaiah	981/2007	HNo.2-161-1 Ext.1.094 sq.yards	Rs.48,632/-	Rs.86,032/-
4.	25/2005 Kammari Suneethamma w/o K.Giddaiah	985/2007	H.No.50/B/B/208 Ext.145.2 sq.yards	Rs.60,927/-	Rs.1,52,216/-
5.	26/2005 Chakali Savaramma w/o late Chinna Sunkanna	986/2007	H.No.2-158 Ext.1.524 sq.yards	Rs.55,039/-	Rs.1,32,068/-
6.	27/2005 Kammari Brahmaiah s/o Rangaiah	984/2007	H.No.2-161 Ext.1.043 sq.yards	Rs.35,171/-	Rs.78,435/-
7.	35/2005 Y.Narayana Rao s/o Late Manikyam	983/2007	H.No.2-156A Ext.1.55	Rs.14,416/-	Rs.27,595/-

Aggrieved by the enhancement of the compensation by the Reference Court, the Land Acquisition Officer is in appeal.

Heard the learned Government Pleader for Appeals appearing for the appellant, and Sri K.Ratanga Pani Reddy, learned counsel for the respondents/claimants in the appeals.

The learned Government Pleader fairly concedes that enhancement was effected by the Reference Court basing on Ex.B.1-Revised Valuation Report of the Executive Engineer, T.B.C., Division-I, Kurnool. It appears that this revised report was available with the Land Acquisition Officer by the time he passed Award No.8 of 2004 on 30.12.2004. By mistake, he seems to have overlooked the same and relied upon the earlier valuation report. However, in his evidence before the Reference Court, P.W.2, the Executive Engineer, fairly conceded that while determining the valuation of the residential buildings under Ex.A.1-Valuation Report, he failed to take into account the cost of the land and only the structure was valued by him. Rectifying this lapse, he forwarded Ex.B1-Revised Valuation Report giving proper valuation of the structure taking into account the cost of the land also.

Significantly, the Reference Court did not go by the valuation of the land and structure as determined by R.W.2., the private Surveyor, in terms of Ex.X1-Valuation Report. As the enhancement was effected basing on the valuation determined by the Executive Engineer, T.B.C., Division-I, Kurnool, on whose earlier valuation the Land Acquisition officer had fixed the compensation and as the earlier valuation was not proper and valid in the light of the fact that he did not look into the cost of the land, the Land Acquisition Officer necessarily had to adopt the revised valuation provided by him under Ex.B1. As he failed to do so by oversight, the Reference Court merely made good this lapse and re-determined the compensation payable to the respondents/claimants in terms of the said revised valuation.

This Court therefore finds no error having been committed by the Reference Court in enhancing the compensation on the aforesaid lines and granting statutory benefits to the respondents/claimants.

The appeals are therefore devoid of merit and are accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI,J

Date:30.10.2017

GJ