

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

APPEAL SUIT Nos.865 of 2003 and 868 of 2003

COMMON JUDGMENT: (*Per VRS,J*)

Both these appeals are filed by the Land Acquisition Officer under Section 54 of the Land Acquisition Act, 1894, challenging the enhancement of compensation granted by the reference Court.

2. Heard the learned Government Pleader for Appeals (Telangana), and Mr. L. Sreedhar, learned counsel for the respondents/land owners.

3. The land of an extent of about Acs.29.23 guntas in Hangarga Village, Bodhan Mandal of Nizamabad District, was acquired way back in the year 1992, for the purpose of a scheme known as 'SRS Project Reservoir. An award was passed fixing the compensation at Rs.14,000/- per acre. On a reference made at the instance of the land owners, the reference Court enhanced the compensation to Rs.25,000/- per acre. Aggrieved by such enhancement, the Land Acquisition Officer is before us.

4. Before the reference Court, three witnesses were examined on the side of the claimants and three documents were marked. One document was the original Sale Deed, dated 01.10.1992. The Land

Acquisition Officer was examined as P.W.1 and he filed the copy of the award as the only document on his side.

5. The reference Court found that under Ex.B.2, another learned Sub Judge, Bodhan, awarded compensation at the rate of Rs.30,000/- per acre for similar lands acquired for the very same purpose. Aggrieved by the said award, an appeal was filed before this Court in A.S.No.2216 of 1992, but the same was dismissed by this Court. The copy of the judgment was filed as Ex.B.3.

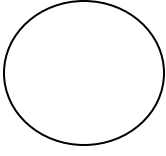
6. In the light of the award passed in yet another case as confirmed by this Court, the reference Court came to the conclusion that the market value could be Rs.30,000/- per acre. However, the Court adopted a very conservative approach and fixed only a sum of Rs.25,000/- per acre. In such circumstances, we do not think that the grievance of the Land Acquisition Officer is justified. Hence, both the appeals are dismissed.

Consequently, miscellaneous petitions if any pending in the appeals shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

13th June, 2017
cbs



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A.S.Nos.865 & 868 of 2003
(dismissed)

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+APPEAL SUIT Nos.865 and 868 of 2003

% 13-06-2017

The Land Acquisition Officer (Special
Deputy Collector), Pochampad. .. Appellant

Vs.

\$ Ashif Khan and others .. Respondents in
A.S.No.865 of 2003

\$ Pedda Saya Reddy and others .. Respondents in
A.S.No.868 of 2003

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>HEAD NOTE:

! Counsel for petitioner : The Government Pleader (TS)

^ Counsel for respondents : Mr. L. Sreedhar

? CASES REFERRED : ----