

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT JUSTICE T.RAJANI

APPEAL SUIT Nos.169, 198 and 961 of 2004

19.01.2017

Between:

The Special Deputy Collector (L.A.),
Somasila Project, Unit No.IV,
Rajampet

..Appellant

and

Uppaluri Dasaraiah and others

..Respondents

Counsel for the appellant: Government Pleader for Appeals (AP)

Counsel for the respondents: Boya Ravinder Reddy

The Court made the following:



COMMON JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

A.S.Nos.169 and 198 of 2004 arise out of the common judgment and decrees, dated 24.08.1998, in respect of L.A.O.P.Nos.90 and 99 of 1990 respectively in L.A.O.P.No.337 of 1989 and batch, and A.S.No.961 of 2004 arises out of similar common judgment and decree, dated 23.10.1998, in respect of L.A.O.P.No.9 of 1996 in L.A.O.P.No.8 of 1996 and batch. By these common judgments, learned Senior Civil Judge, Rajampet, has enhanced the compensation awarded by the Land Acquisition Officer by 80% along with the statutory benefits, such as solatium, additional market value and interest etc., thereon.

2. During the pendency of these appeals, the State Government came forward to settle the disputes before the Lok Adalat and accordingly, it issued G.O.Rt.No.101, dated 20.02.2006. These appeals arising out of the aforementioned common judgments were referred to the Lok Adalat and on appearance of the parties before the Lok Adalat, the latter has passed similar awards i.e., separate awards, dated 10.03.2007, in respect of some of the respondents mentioned therein, in A.S.No.169 and 961 of 2004 and award, dated 10.01.2007, in respect of one of the respondents mentioned therein, in A.S.No.198 of 2004. It appears that the remaining respondents herein failed to appear before the Lok Adalat and therefore, their claims could not be settled.

3. A perusal of the Lok Adalat awards reveals that the settlement was arrived at by indicating the quantum of compensation without stating the principle on which such settlement was arrived. At the hearing, the learned Government Pleader for Appeals (AP) appearing for the appellant and Mr.Boya Ravinder Reddy, learned counsel for the respondents, have

however, agreed that the settlement was arrived at by accepting the enhancement made by the reference Court, which was at 80% over and above the compensation awarded by the Land Acquisition Officer, but excluding the statutory benefits awarded by the reference Court. Indeed, A.S.No.54 of 2004 filed by the State against similarly placed respondents was also disposed of on the aforementioned principle by a Division Bench of this Court, *vide* judgment, dated 29.01.2008. Therefore, both the learned counsel have, accordingly, requested this Court to dispose of these appeals also in similar terms.

4. On the aforementioned facts and having regard to the submissions of the learned counsel for both the parties, we dispose of these Appeals by following the aforementioned Lok Adalat awards and also the Division Bench judgment, dated 29.01.2008, in A.S.No.54 of 2004. Accordingly, we modify the judgments under appeals to the extent that the respondents are not entitled to the statutory benefits such as solatium, additional market value and interest etc., over the enhanced compensation.

5. As a sequel to disposal of these appeals, miscellaneous applications pending therein shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.RAJANI, J

19th January, 2017
GHN