

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

LAAS.No.76 of 2011
&
Cross- Objections No.12697 of 2014

DATED: .04.2017

Between

The Special Deputy Collector, L.A., Unit- I, T.G.P. Kadapa, Kadapa District.

...APPELLANT

And

Eragamreddy Rama Subba Reddy and others.

...RESPONDENTS

COUNSEL FOR THE APPELLANT: THE ADVOCATE GENERAL (AP)

COUNSEL FOR THE RESPONDENTS: MR. D. KODANDARAMI REDDY



THE COURT MADE THE FOLLOWING:

JUDGMENT: (*per the Hon'ble Smt Justice T. Rajani*)

The Special Deputy Collector, Land Acquisition, Unit- I, T.G.P. Kadapa, who is the referring officer, filed this appeal impugning the judgment of the I Additional District Judge, Kadapa in LAOP.No.458 of 2002 dated 26.04.2010 as regards the quantum of compensation granted for trees. The contention is that the learned Judge without any evidence on record with regard to age, yield and other factors, pertaining to pomegranate trees, granted compensation.

2. Some of the claimants filed cross-objections, not being satisfied, with the said judgment with regard to grant of Rs.700/- for each pomegranate tree instead of Rs.4,000/-, as claimed by them. The prayer made in the cross-objections is that at least Rs.2,000/- for each pomegranate tree ought to have been granted.

3. At the hearing, apart from submitting oral arguments, learned Government Pleader for Appeals (AP) passed on a brief note with various contentions. The stress, at the time of arguments, was, however, only on certain contentions mentioned therein. The said contentions can be answered at the relevant places of the judgment.

4. The acquisition was made for the purpose of Somasila project and the lands, which were acquired, are located in Chenduvoy village of Atloor Mandal. A draft notification was issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') and after following the due procedure, the award was passed. The award was referred, on the request of the claimants, under Section 18 of the Act to the civil Court to determine appropriate market value of the lands, structures

and trees. The reference Court, while answering the reference, awarded Rs.700/- for each pomegranate tree.

5. The cross-objectors base their claim on the judgment in AS.No.3798 of 2000 dated 24.09.2013 by virtue of which, they say that compensation with respect to pomegranate trees therein was initially fixed at RS.700/- per tree and later enhanced to Rs.2,000/- while reviewing the judgment.

6. We are, in fact, relieved of the pains to evolve a formula to work out a just figure of compensation for pomegranate trees, as several decisions were made in that regard, when matters were referred and taken in appeal later on. A Division Bench of this Court in A.S.No.3798 of 2000, by referring to relevant case law, has awarded Rs.700/- for each pomegranate tree. The said judgment was later reviewed by the Bench and Rs.2,000/- was awarded per pomegranate tree. The judgment was not carried in appeal further and has thus attained finality. Hence, there need not be any further time lost in concluding that even in this case the claimants shall be entitled to compensation of Rs.2,000/- per pomegranate tree.

7. Having arrived at a conclusion that Rs.2,000/- per pomegranate tree can be awarded as compensation, now the contentions of the learned Government Pleader with regard to the nature of trees has to be dealt with.

8. The main contention of the learned Government Pleader is that the reference Court did not take into consideration the age of the pomegranate trees before awarding compensation. Learned

Government Pleader bases his contention on the letter 'S' in the brackets against the number of trees mentioned in the column Trees DN and contends that it denotes 'saplings' but he does not succeed in laying any basis for his understanding of the letter 'S' therein to mean sapling. Hence, the contention of the learned Government Pleader that the pomegranate trees in the acquired lands are only saplings and that Rs.2,000/- cannot be granted for each such sapling is not sustainable.

9. There is a dispute also with regard to the claimants, who made a claim for compensation for pomegranate trees, on the basis that no trees were shown against the names of those claimants. But, however, at the hearing, a consensus was reached by both sides to the effect that the number of trees (3591) mentioned in the notification under Section 4(1) of the Act may be adopted as the undisputed figure for fixing compensation. With the above, it can be concluded that the cross-objectors would be entitled for compensation @ Rs.2,000/- per pomegranate tree, for 3591 pomegranate trees as mentioned in the notification.

For the aforementioned reasons, the appeal filed by the State is dismissed and the cross-objections are decreed fixing compensation at Rs.2,000/- per pomegranate tree, in addition to all the statutory benefits thereon. Payment of differential Court fee on compensation at Rs.2,000/- per pomegranate tree, shall also be made, if not already done.

C.V. NAGARJUNA REDDY, J

T. RAJANI, J

June , 2017/DSK