

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

AS.NO.3919/2003 AND CROSS-OBJECTIONS (SR).NO.10370/2014,
AS.NO.4000/2003 AND CROSS-OBJECTIONS (SR).NO.6862/2015,
AS.NO.496//2004 AND CROSS-OBJECTIONS(SR).NO.855/2015,
AS.NO.529/2004 AND CROSS-OBJECTIONS (SR).NO.9499/2014,
AS.NO.837/2004 AND CROSS-OBJECTIONS (SR).NO.1862/2016,
AS.NO.838/2004 AND CROSS-OBJECTIONS 6861/2015, AS.NO.1754/2004
AND CROSS-OBJECTIONS (SR).NO.6600/2015, AS.NO.1957//2004 AND
CROSS-OBJECTIONS (SR).NO.7732/2014 AND A.S.NOS.965/2002,
L.A.A.S.NOS.319/2008, 607/2010,
37/2015, 380/2016, 214, 217, 226, 235, 238, 287, 290, 291, 292, 294, 303, 304,
305 AND 306 OF 2017

COMMON JUDGMENT (ORAL) (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Government acquired the subject lands in all these appeals for the purpose of foreshore submersion of Kandaluru reservoir under Telugu Ganga Project. The Land Acquisition Officer, after due enquiry, passed respective awards. Not being satisfied with the compensation awarded, the claimants sought reference under Section 18 of the Land Acquisition Act, 1894. On reference, the court of Principal Senior Civil Judge, Gudur, passed awards enhancing the compensation awarded by the Land Acquisition Officer. Aggrieved by the enhancement, State filed appeals in A.S.Nos.3919 and 4000 and 2003, 496, 529, 837, 838, 1754 and 1957 of 2004. In the said appeals, the claimants preferred cross-objections seeking enhancement. In respect of other awards, the claimants filed appeals in A.S.No.965/2002 and LAAS.No.319/2008, 607/2010, 37/2015, 380/2016, 214, 217, 226, 235, 238, 287, 290, 291, 292, 294, 303, 304, 305 and 306 of 2017, seeking enhancement of compensation awarded by reference court.

The Assistant Government Pleader for Appeals and the learned counsel for the claimants in all these appeals would jointly submit that the present

appeals are confined only to trees viz., mango, guava, sapota (Sapodilla), pomegranate, palmyra, lime, sweet orange / Chini (Sweet orange), coconut, drumstick, tamarind, soap nut, regu (ber), margosa, thurai (wood), thandra (wood), dirasana (wood), wood apple, black babul, jamberi (rough lemon), red lemon, curry leaf and usirika.

The claimants filed statements showing the appeal numbers, numbers of respondents/claimants, number of trees and the amount awarded by the Land Acquisition Officer and the amount enhanced by reference court. The said statements are extracted as under:

AS 3919/2003 & Cross Objections (SR). No. 10370/2014

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
8	Pomegranate-210	27	Nil
8 To 11 got Equal shares	Pomegranate-246	30	Nil
	Pomegranate-570	30	Nil
	Palmyrah-2	50	
	Pomegranate-69	30	Nil
	Pomegranate-639	30	Nil
12	Pomegranate-405	30	Nil
	Palmyrah-53	50	Nil
	Palmyrah-7	25	Nil
	Pomegranate-180	30	Nil
17	Pomegranate-294	30	Nil
	Pomegranate-20	27	Nil
	Pomegranate-75	27	Nil
	Pomegranate-309	30	Nil
	Palmyrah-28	50	Nil
	Palmyrah-8	25	Nil
18	Pomegranate-246	30	Nil
			Nil
19	Pomegranate-192	30	Nil
			Nil
20	Pomegranate-294	30	Nil
			Nil
21	Pomegranate-585	30	Nil
			Nil
26	Pomegranate-393	30	Nil
	Palmyrah-2	50	Nil
	Pomegranate-87	30	Nil

	Palmyrah-99	50	Nil
27	Pomegranate-174	30	Nil

AS 4000/2003 and Cross Objections (SR). 6862/2015

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime trees 94	1120	1220
1	Lime trees 20	29	0
1	Palmyrah 10	50	50
1	Lime 48	1040	1140
3,4 &5	Lime 159	1120	1220
3,4 &5	Coconut 1	0	0
3,4 &5	Drumstick 4	0	0
3,4 &5	Tamarind 1	0	0
3,4 &5	Palmyrah 7	50	50
3,4 &5	Lime 182	1120	1220
3,4 &5	Lime 15	51	0
3,4 &5	Palmyrah 6	50	0
6	Palmyrah 21	50	50
7	Palmyrah 14	50	0
8,9, &10	Lime 86	1040	1140
8,9,&10	Lime 120	1120	1220
8,9 &10	Lime 104	1120	0
8,9 &10	Lime 40	38	0
8,9 &10	Coconut 2	0	0
8,9 &10	Drumstick 2	0	0
8,9 &10	Soap nut 1	0	0

AS 496/2004 and Cross Objections (SR). 855/2015

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
2	Lime Trees 132	270	810
	Lime Trees 20	300	900

AS 529/2004 and Cross Objections (SR). 9499/2014

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime -19	560	Nil
	Lime -39	400	Nil
	Regu-2	240	Nil
	Palmyrah-1	50	Nil
	Palmyrah-1	25	Nil
	Margosa-13	75	Nil
	Thurai-1	232	Nil
	Tandra-1	174	Nil
	Tamarind-3	29	Nil
	Dirasana-1	58	Nil
2	Lime -30	400	640
	Tamarind -1	2192	Nil
	Lime-3	19	Nil
	Tamarind-1	58	Nil
	Limetrees-9	400	Nil
3	Lime -19	560	640
	Lime -7	400	640
	Lime -19	400	Nil
	Regu-2	160	Nil
	Soapnut-1	1760	Nil
	Woodapple-7	320	Nil
	Tamarind-1	2880	Nil
	Tamarind-1	2192	Nil
	Tamarind-1	6400	Nil
	Palmyrah-53	50	Nil
	Palmyrah-2	25	Nil
	Date-2	25	Nil
	Lime -2	37	Nil
	Pomegranates-472	32	Nil
	Woodapple-10	29	Nil
	Blackbabul-2	28	Nil
	Margosa-37	36	Nil
	Lime-61	640	Nil
	Lime-23	400	640
	Drumstic-2	45	Nil
	Woodapple-3	320	Nil
	Tamarind-1	2192	Nil
	Palmyrah-83	50	Nil
	Palmyrah-2	25	Nil

	Lime -2	36	Nil
	Lime -22	17	Nil
	Lime-1	12	Nil
	Jamberi-115	17	Nil
	Tamarind-6	53	Nil
4	Palmrah-7	50	Nil
	Pomegranates-213	36	Nil
5	Limetree-20	400	640
	Palmrah-7	50	Nil
	Pomegranates-345	32	Nil
6.	Limetree-29	640	Nil
	Limetree-13	400	640
	Palmrah-10	50	Nil
7.	Limetree-2	650	1040
	Limetree-36	640	Nil
	Limetree-6	640	640
	Limetree-3	660	880
	Limetree-2	300	Nil
	Dramstick-2	45	Nil
	Tamarind-1	2192	Nil
	Soapnut-1	1760	Nil
	Palmrah-15	50	Nil
	Palmrah-5	25	Nil
8	Diresana-1	125	Nil

AS 837/2004 and Cross Objections (SR). 1862/2016

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime trees – 43	910	1040
1	Lime trees – 4	42	0
1	Lime trees – 4	31	0
1	Coconut – 9	1200	0
1	Guava-1	675	0
1	Drumstick-8	100	0
1	Pomegranate-81	30	0
2	Pomegranate-102	30	0
2	Drumstick-1	120	0
3	Lime trees – 46	910	1040
3	Lime trees – 10	30	0
3	Lime trees – 7	22	0
3	Coconut – 6	15	0
4	Pomegranate-76	30	0
4	Coconut – 36	0	0
5	Pomegranate-129	30-75	0
5	Drumstick-6	120	0
5	Coconut – 4	30	0
5	Guava-3	21	0
6	Mango-74	27	0
6	Coconut – 5	15	0
6	Lime trees – 2	650	0

6	Lime trees – 1	53	0
7	Lime trees – 27	910	1040
7	Lime trees – 13	35	0
7	Lime trees – 2	17	0
7	Mango-51	27	0
7	Pomegranate-10	30	0
7	Coconut – 2	15	0
7	Lime trees – 1	600	1040
7	Mango-9	33	0
7	Mango-30	27	0
7	Lime trees – 2	28	0
8	Mango-13	27	0
8	Lime trees – 3	600	960
8	Lime trees – 1	36	0
8	Coconut – 3	15	0
8	Cheeni – 93	27	0
8	Lime – 1	27	0
8	Red Lemon-13	27	0
9	Lime trees – 3	910	1040
9	Lime trees – 43	0	0
9	Soapnut-1	2240	0
9	Ber-1	195	0
9	Drumstick-6	120	0
9	Drumstick-2	0	0
9	Coconut – 13	0	0
9	Guava – 2	0	0
10	Coconut – 17	1024	0
10	Drumstick-2	120	0
10	Guava – 4	273	0
10	Cheeni – 3	0	0
10	Coconut – 8	0	0
10	Pomegranate-90	30	0
11	Mango – 42	28	0
12	Lime trees – 73	840	960
12	Drumstick-1	75	0
12	Guava – 1	273	0
12	Lime trees – 23	0	0
12	Cheeni – 18	0	0
13	Lime trees – 5	500	800
13	Lime trees – 3	26	0
13	Mango – 4	0	24
13	Mango – 49	0	20
13	Guava – 2	21	0

AS 838/2004 and Cross Objections (SR). 6861/2015

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1,2,13	Lime trees-114	960	1200
1,2,13	Lime trees-1	1040	1200
1,2,13	Lime trees-8	39	0
1,2,13	Mango trees-198	1440	2640
1,2,13	Mango trees-11	121	0
1,2,13	Mango trees-13	101	0
1,2,13	Mango trees-6	90	0
1,2,13	Mango trees-4	74	0
3	Lime trees-229	960	1200
3	Lime -4	19	0
3	Drumstic-1	45	0
3	Drumstic-5	75	0
3	Drumstic-2	3	0
5	Pomegranate-146	27	0

5	Palmyrah-16	50	0
5	Palmyrah-1	25	0
6	Pomegranate-3990	34	0
6	Drumstic-41	135	0
6	Lime trees-401	840	1080
6	Lime tree-1	39	0
6	Lime trees-5	19	0
6	Cheeni-9	19	0
6	Drumstic-20	135	0
6	Drumstic-5	3	0
6	Drumstic-238	4	0
8	Pomegranate-81	30	0
9	Lime trees-30	840	1080
9	Palmyrah-40	50	0
18	Pomegranate-132	30	0
	Palmyrah-10	50	0

AS 1754/2004 and Cross Objections (SR). 6600/2015

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Mango-38	1440	2000
1	Mango-12	1200	2000
2	Mango-7	1440	2000
2	Mango-7	1200	2000
3	Mango-23	42	0
4	Mango-39	44	0
5	Mango-39	44	0
6	Mango-23	42	0
7	Mango-24	48	0
8	Mango-53	44	0
9	Mango-184	31	0
	Coconut-15	1024	0

AS 1957/2004 and Cross Objections (SR). 7732/2015

No. of the Respondent	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Pomegranate -128	35	Nil
2	Pomegranate -192	31.75	Nil
3	Pomegranate -581	35	Nil
4	Pomegranate -300	30	Nil
5	Pomegranate -814	35	Nil
6	Pomegranate -1436	35	Nil

AS 965/2002

No. of the Appellant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
4 & 5	Lime trees – 176	800	900
6 to 10	Lime trees – 800	800	900
	Sweet orange-67	920	1385

LAAS 319/2008

No. of the Appellant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime Trees -173	770	1100
	Lime Trees -4	910	1300
	Lime Trees-83	800	1100
2	Lime Trees -136	560	800

LAAS 607/2010

No. of the Appellant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1 & 2	Lime Trees-78	400	560
3	Lime Trees-72	400	640

LAAS 37/2015

No. of the Appellant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime Trees-290	1040	Nil
	Cheeni Trees-34	1358	Nil

LAAS 380/2016

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
3	lime trees-218	960	1200
	lime trees-112	960	1200
4	lime trees-108	846	1200
	lime trees-123	960	1200
	lime trees-180	960	1200
5	lime trees-116	960	1200
6	lime trees-100	960	1200
9	lime trees-60	960	1200
	lime trees-26	35	1200
10	lime trees-120	960	1200
	lime trees-52	35	1200
11	lime trees-60	960	1200
	lime trees-26	35	1200
12	lime trees-60	960	1200
	lime trees-26	35	1200
13	lime trees-60	960	1200
	lime trees-26	35	1200
17	lime trees-13	960	1200
	lime trees-56	960	1200
	lime trees-9	960	1200
18	lime trees-80	960	1200
	lime trees-76	960	1200
	lime trees-90	960	1200
	lime trees-79	960	1200

	lime trees-28	960	1200
--	---------------	-----	------

LAAS 214/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1, 4, 14	Lime -66	300	500
1, 4, 14	Lime -48	250	500
1, 4, 14	Lime -84	720	900
1, 4, 14	Lime -128	800	1000
1, 4, 14	Lime -1	600	1000
1, 4, 14	Lime -5	500	1000
1, 4, 14	Lime -7	720	1200
1, 4, 14	Lime -1	600	1200
1, 4, 14	Lime -16	780	1300
1, 4, 14	Lime -47	44	0
1, 4, 14	Lime -16	32	0
1, 4, 14	Lime -20	23	0
1, 4, 14	Lime -3	32	0
1, 4, 14	Lime -1	23	0
1, 4, 14	Coconut-1	1024	0
1, 4, 14	Pomegranate-558	35	0
1, 4, 14	Palmyrah-2	50	0
2, 16	Mango-26	1200	0
2, 16	Mango-29	800	0
2, 16	Mango-67	86	0
2, 16	Mango-39	64	0
2, 16	Mango-32	53	0
2, 16	Mango-2	1200	0
2, 16	Pomegranate-204	35	0
3	Pomegranate-617	30	0
3	Palmyrah-130	50	0
3	Palmyrah-8	25	0
3	Tamarind-2	2880	0
3	Tamarind-1	2192	3000
3	Mango-52	1200	0
3	Mango-80	800	0
3	Mango-94	121	0
3	Mango-36	101	0
3	Mango-27	90	0
3	Palmyrah-7	50	0
5 & 15	Lime -109	800	900
5 & 15	Lime -1	540	900
5 & 15	Lime -1	550	1100
5 & 15	Lime -2	660	1100
5 & 15	Lime -1	550	1100
5 & 15	Lime -40	650	1100
5 & 15	Lime -6	53	0
5 & 15	Tamarind-1	1440	8000
5 & 15	Tamarind-3	2192	0
5 & 15	Soapnut -2	2880	0
5 & 15	Soapnut -2	1760	0
5 & 15	Palmyrah-2	50	0
6, 8 & 9	Lime -79	800	1000
6, 8 & 9	Lime -2	600	1000
6, 8 & 9	Lime -11	500	1000
6, 8 & 9	Lime -1	53	0
6, 8 & 9	Tamarind-2	2880	5500
6, 8 & 9	Palmyrah-96	50	0
6, 8 & 9	Palmyrah-18	25	0
6, 8 & 9	Pomegranate-1	53	0
7	Palmyrah-8	50	0

7, 10	Mango-35	1500	0
7, 10	Mango-2	1125	0
7, 10	Mango-6	1200	0
7, 10	Mango-3	101	0
7, 10	Mango-1	121	0
7, 10	Lime -6	420	700
7, 10	Lime -15	350	700
7, 10	Lime -15	800	1000
7, 10	Lime -3	500	1000
7, 10	Lime -2	720	1200
7, 10	Lime -4	600	1200
7, 10	Lime -7	650	1300
7, 10	Lime -33	19	0
7, 10	Lime -8	60	0
7, 10	Lime -13	14	0
7, 10	Lime -13	10	0
7, 10	Guava-1	105	0
7, 10	Tamarind-1	2192	0
7, 10	Palmyrah-1	50	0
7, 10	Palmyrah-1	25	0
10	Pomegranate-174	30	0
10	Tamarind-1	2192	0
10	Palmyrah-8	50	0
12	Pomegranate-59	30	0
12	Palmyrah-3	50	0
13	Lime -48	720	900
13	Lime -2	880	1100
13	Lime -3	550	1100
13	Lime -3	650	1300
13	Lime -1	48	0
13	Lime -1	36	0
13	Lime -1	26	0
13	Mango-2	1600	0
13	Soapnut-1	2720	0
13	Drumstic-1	45	0

LAAS 217/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Pomegranate-900	330	495
	Sweet Orange-540	240	361

AAS 226/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime -100	363	500
	Lime -8	0	0
2	Lime -67	363	500
2	Lime -5	0	0
2	Lime -60	363	500
2	Lime -4	0	0
2	Pomegranate-20	63	0
2	Pomegranate-10	0	0

3	Lime -60	363	500
3	Lime-4	0	0
4	Lime -97	363	500
4	Lime -11	0	0
5	Lime -162	363	500
5	Lime -13	0	0
6	Lime -161	363	500
6	Lime -13	0	0
7	Lime -163	363	500
7	Lime -13	0	0
8	Lime -42	363	500
8	Lime -8	0	0
8	Mango -1	0	0
9	Lime -50	363	500
9	Lime -4	0	0
10	Lime -27	363	500
10	Lime-2	0	0
11	Lime -58	363	500
11	Lime -5	0	0

LAAS 235/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
2	Lime -27	363	500
	Lime-2	0	0
4	Lime-10	363	500
	Lime-1	0	0
	Palmyrah-8	50	

LAAS 238/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
2	Lime trees – 228	910	0
2	Lime trees -72	1120	0
2	Palmyrah trees -4	50	0
12	Lime trees -92	1120	0
12	Mango trees -2	1600	0
12	Lime trees -148	1120	0
12	Lime trees -89	1120	0
13	Lime trees -100	960	0
13	Palmyrah trees -24	50	0
14	Lime trees -116	960	0
14	Palmyrah trees -20	50	0
17	Lime trees -98	1040	1560

LAAS 287/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Pomegranate-273	27	0
3	Pomegranate-886	27	0
4	Pomegranate-105	27	0
5 & 8	Pomegranate-671	32	0

LAAS 290/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Pomegranate-15	110	0
	Pomegranate-18	32	0

LAAS 291/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1 & 2	Pomegranate -900	138.81	208.21

LAAS 292/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Mango -129	460-13	350
	Pomegranate -700	144-46	Nil

LAAS 294/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
3 to 7	Mango-69	1440	1440
3 to 7	Mango-26	1200	1440
3 to 7	Mango-21	1200	1440
3 to 7	Mango-19	960	0
3 to 7	Mango-190	1200	1440
3 to 7	Mango-10	81	0
3 to 7	Mango-3	72	0
3 to 7	Mango2	59	0
3 to 7	Mango25	81	0
3 to 7	Lime-84	550	1200
3 to 7	Lime-9	600	1200
3 to 7	Lime-89	400	1200
3 to 7	Lime-2	600	1200
3 to 7	Lime-1	53	0

3 to 7	Lime-7	39	0
3 to 7	Lime-6	28	0
3 to 7	Lime-6	19	0
3 to 7	Lime-1	53	0
3 to 7	Lime-5	28	0
3 to 7	Lime-9	39	0
3 to 7	Coconut-11	1024	1200
3 to 7	Curry leaf -1	240	0
3 to 7	Tamarind-1	2192	0
3 to 7	Tamarind-7	16.50	0
3 to 7	Usirika-1	75	0
3 to 7	Guava-2	225	0
3 to 7	Guava-3	231	0
3 to 7	Guava-2	225	0
3 to 7	Sapota-5	270	0
3 to 7	Drumstick-5	45	0
3 to 7	Jemberi-3	50	0
3 to 7	Jemberi-1	50	0
3 to 7	Coconut-1	45	1200
3 to 7	Coconut-2	30	0
3 to 7	Pomegranate-2028	34	0
3 to 7	Pomegranate-72	30	0
3 to 7	Palmyrah -165	50	0
8	Lime-26	630	1200
8	Mango-8	40	0
8	Lime-5	17	0
8	Lime-1	53	0
9	Soapnut-1	2240	0
9	Drumstick-1	75	0
9	Pomegranate-197	22	0
9	Palmyrah-7	50	0
10	Tamarind-2	4800	0
10	Tamarind-2	2880	0
10	Tamarind-2	2192	0
10	Tamarind-1	58	0
10	Palmyrah-24	50	0
10	Soapnut-1	2240	0
10	Pomegranate-333	30	0
11	Mango-2	1200	1440
11	Mango-16	40	0
11	Mango-3	45	0
11	Mango-5	33	0
11	Drumstick-2	45	0
11	Lime-17	480	1200
11	Lime-28	720	1200
11	Lime-8	24	0
11	Soapnut-2	96	0
11	Palmyrah-4	50	0
12	Lime-6	600	1200
12	Mango-31	42	0
12	Mango-20	40	0
12	Mango-20	40	0
12	Lime-2	53	0
12	Coconut-5	15	0
12	Tamarind-1	58	0
12	Palmyrah-1	50	0

LAAS 303/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
5	Mango trees 44	678-50	1000

”	Mango trees 23	Nil	Nil
6	Pomegranate trees 637	83-44	116.72
7	Mango trees 17	678-50	1000
”	Mango trees 2	Nil	Nil
9	Mango trees 50	678-50	1000
”	Mango trees 20	Nil	Nil

LAAS 304/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime trees -18	420	630
	Lime trees -70	33	66
2	Lime trees -67	33	66
3	Lime trees -84	420	630

LAAS 305/2017

No. of the Claimant	Particulars of trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	Lime-18	840	1380
1	Lime-24	650	1495
1	Lime-11	37	115
1	Lime-5	20	115
1	Pomegranate-251	35	0
1	Regu-2	26	0
1	Sweet orange-4	910	0
1	Sweet orange-4	49	0
1	Sweet orange-15	37	0
1	Sweet orange-30	28	0
1	R.Lemon-5	49	0
1	Guava-1	300	0
1	Pomegranate-172	35	0
1	Pomegranate-62	30	0
1	Ber-1	26	0
2	Pomegranate-1371	35	0
3	Pomegranate-143	35	0

LAAS 306/2017

No. of the Claimant	Particulars of Lime trees	Market Value fixed by LAO per tree Rs.	Market Value fixed by Reference Court per tree Rs.
1	2	3	4
1	137	1120	1680
2	146	1120	1680
3 & 6	53	1120	1680
3 & 6	1	532	798
3 & 6	47	1120	1680
3 & 6	2	1120	1680
3 & 6	1	1120	1680
3 & 6	2	1040	1560
3 & 6	19	1120	1680
3 & 6	1	38	57
3 & 6	16	1120	1680
3 & 6	1	38	57
3 & 6	2	1040	1560
3 & 6	1	1040	1560
3 & 6	8	38	57
3 & 6	2	1040	1560
3 & 6	5	38	57
3 & 6	8	1120	1680
3 & 6	7	38	57
3 & 6	3	38	57
4 & 5	99	20	30
4 & 5	242	1120	1680
4 & 5	2	38	57
7,8 & 14	147	1120	1680
7,8 & 14	2	38	57
9	23	1120	1680
10	50	1120	1680
10	1	38	57
11	24	1120	1680
12 & 13	109	1120	1680
12 & 13	40	38	57
15	50	1120	1680
15	1	38	57

Learned counsel would further submit that the issue in the present appeals is squarely covered by a Division Bench judgment of this court in A.S.No.1749 of 2004 and Cross-objections (SR).No.3962 of 2008 dated 1.3.2013, where under the appeal filed by the Government was dismissed and the cross-objections filed by the claimants were allowed in part awarding lumpsum compensation for each tree. The relevant portion of the order is as under:

“For Mango, Acid Lime, Coconut, Guava, Jack-fruit and Sapota (Sapodilla), the claimants-respondents/cross-objectors shall be entitled to compensation at the rate of Rs.3,000/- per each tree. So far as Tamarind and Soap-nut are concerned, they shall be entitled to Rs.6,000/- and Rs.5,000/-

respectively per each tree. For the trees of pomegranate, drumstick and neredu (Black-plum), they shall be entitled to Rs.2,000/- per each tree. For the trees of Dates and Palmyra, they shall be entitled to Rs.300/- per each tree and for the remaining trees they shall be entitled to Rs.400/- per each tree.”

Both the counsel submit that the fruit bearing trees like sweet orange and red lemon, comes under the category of lime and for the said trees, claimants are entitled to compensation at the rate of Rs.3,000/- per tree as per the judgment of the above Division Bench of this court.

The learned counsel further submits that against the above Division Bench judgment of this court, Government carried the matter to Apex Court in Special Leave to Appeals (c) Nos.23576-23577 of 2014 and the same were dismissed by order dated 29.08.2014. Following the above judgment of the Division Bench, another Division Bench in L.A.A.S.No.1104 of 2011 dated 19.11.2014, considering the acquisition therein under Telugu Ganga Project, enhanced the compensation granted by the reference court in respect of pomegranate trees at the rate of Rs.2,000/- per tree.

In view of joint submissions of both the counsel, facts and circumstances and the above Division Bench judgment of this court dated 1.3.2013 and for the reasons mentioned therein, appeals filed by the Government are dismissed. Cross-objections and the appeals filed by the claimants are allowed in part in terms of the enhancement made by the Division Bench of this Court in A.S.No.1749 of 2004 and Cross-objections (SR).No.3962 of 2008 dated 1.3.2013. In respect of sweet orange and red lemon, the claimants are entitled to Rs.3,000/- per each tree. All statutory benefits in terms of the judgment of the

Supreme Court in ***SUNDER v. UNION OF INDIA***¹, shall be extended to the claimants. No costs.

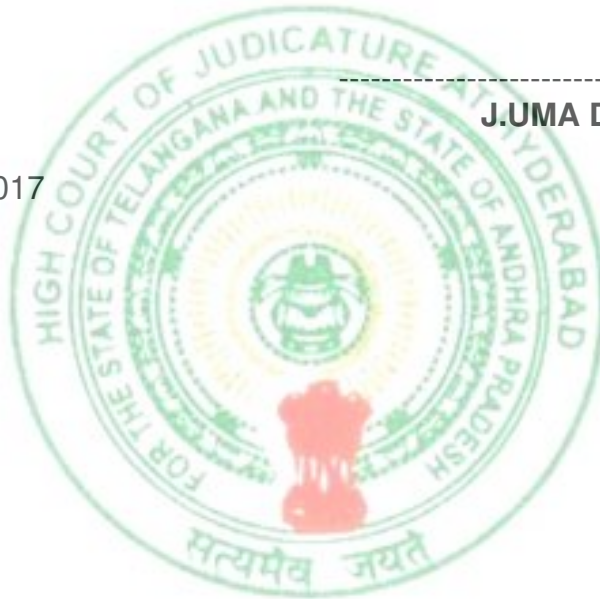
The claimants in all these appeals are directed to pay the deficit court on the enhanced amount before the executing court within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

J.UMA DEVI,J

DATE:13—10—2017
avs



¹ (2001)7 SCC 211