

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

L.A.A.S.No. 39 OF 2015

Date: 26.04.2017

Between:

Bulagakula Radhamma,
W/o. Ramana Reddy,
Nellore Town and Mandal,
SPSR Nellore District, and another.

..... Appellants

And:

The Special Deputy Collector (Land Acquisition),
Telugu Ganga Project,
Rapur at Nellore.

.....Respondent

Counsel for the appellants: Mr. Chetluru Sreenivas

Counsel for Respondent: G.P for Appeals (A.P)

The Court made the following:



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

This appeal arises out of order and decree dated 07.12.2012 in L.A.O.P.No.92 of 2005 on the file of the Senior Civil Judge, Gudur.

The respondent has acquired certain properties including the pomegranate trees belonging to the appellants as they got submerged in Kandaleru Reservoir under Telugu Ganga Project. Feeling dissatisfied with the fixation of the market value for pomegranate trees, the appellants got the dispute referred to the Court of Senior Civil Judge, Gudur, (hereinafter referred to as 'the Reference Court'). By order dated 07.12.2012, the Reference Court enhanced the compensation for each pomegranate tree @ Rs.700/-. While doing so, the Reference Court has relied upon the judgment of this Court in L.A.A.S.No.1050 of 2007 (marked as Ex.A.3). Not satisfied with the award of the Reference Court, the appellants have filed this appeal.

At the hearing, Mr. Chetluru Srinivas, learned counsel for the appellants, placed before us judgment dated 20.11.2013 in Rev.L.A.A.S.M.P.No.334 of 2010 in L.A.A.S.No.1050 of 2007 of this Court, a perusal of which shows that its earlier judgment dated 18.12.2008 in L.A.A.S.No.1050 of 2007 (marked as Ex.A.3 before the Reference Court) was reviewed and compensation of pomegranate tree was enhanced to Rs.2,000/- instead of Rs.700/- as fixed earlier.

The learned Government Pleader does not dispute these facts.

Since the Reference Court enhanced the market value of pomegranate trees based on Ex.A.3 judgment, which, as noted

above, was reviewed by judgment dated 20.11.2013 and compensation was enhanced to Rs.2,000/- per pomegranate tree, the appellants, who are similarly situated are also entitled to the same relief, which was granted in the aforementioned judgment of the Division Bench.

As regards the interest, which the appellants are entitled to, this Court while condoning the delay of 549 days in filing the appeal *vide* its order dated 19.02.2015 observed that in the event the appellants succeed in the appeal, they are not entitled to interest for the period of delay. Therefore, while declaring that the appellants are entitled to compensation @ Rs.2,000/- per pomegranate tree along with all statutory benefits, it is further declared that the appellants are not entitled to interest for the period of 549 days.

The appeal is accordingly allowed to the extent indicated above.



C.V.NAGARJUNA REDDY, J

Date: 26.04.2017

T.RAJANI, J

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