

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

L.A.A.S.NO.328 OF 2011

ORAL JUDGMENT (Per SKK,J)

Questioning the quantum of compensation enhanced by the court of Senior Civil Judge, Mahabubabad in O.P.No.19 2002 dated 25.01.2010, the State filed the present appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act').

By issuing notification under Section 4(1) of the Act dated 12.06.1999, the land of the claimants to an extent of Acs.18.12 ½ guntas situate in Kampally and Seerole villages of Kurvai Mandal of Warangal District was acquired for the purpose of excavation of canal under DBM – 48 of 9R – 4R-21R and its minors 1R – 4R – 4R of 21 R from Kms. 0.000 to 3.000. The Land Acquisition Officer vide Award in Dis.No.23/2001-02 dated 5.11.2001, awarded an amount of Rs.30,000/- per acre. Not being satisfied with the same, the claimants sought reference under Section 18 of the Act. The reference court appreciating the evidence available on record, enhanced the compensation to Rs.60,000/- per acre with all statutory benefits. Aggrieved by the same, State filed the present appeal.

The learned Government Pleader for appeals contended that the court below grossly erred in considering the material evidence on record. He stated that the claimants relied on two sale transactions under Exs.A-1 and A-2, which pertain to neighbouring village and they have not produced any comparable sales, pertaining the lands in vicinity. He further submits that out of Exs.A-1 and A-2, Ex.A-2 sale deed is subsequent to Section 4(1) notification and hence it cannot be taken into consideration. The claimants have also not produced any details of annual yield, except mentioning the annual income from the lands. The trial court awarded compensation purely on guess work on capitalization

method and the same is erroneous. With these submissions, learned Government Pleader sought to set aside the impugned award, and to confirm the amount awarded by the Land Acquisition Officer.

The learned counsel for the respondents / claimants, supporting the impugned order sought for dismissal of the appeal.

The claim of the claimants is that the lands in question are situated within 15 and 9 Kms. respectively from Kurvai Mandal head quarters. The main crops were being raised on the lands were paddy, chilly, maize, ground-nut, green gram, red gram and sesmum. The subject lands are being cultivated with the help of small tanks and kuntas and the lands do not come within the urban agglomeration of Warangal. In addition, there are also fruit bearing trees in part of the acquired land. They are getting annual income of Rs.15,000/- to Rs.20,000/- per acre. In support of their claim, the claimants got examined the claimant No.3 as P.W.1.

Except oral evidence with regard to the yield from the subject land, the claimants have not produced any cogent material evidence. P.W.1 only got marked Exs.A-1 and A-2 copies of sale deeds, wherein the lands in Thallasankeesa, which is a neighbouring village, were sold at the rate of Rs.40,000/- and Rs.78,511/- per acre respectively.

We note, the Land Acquisition Officer also did not lead any evidence pertaining the value of the lands in question, or produced any evidence to show that the subject lands are inferior to that of the lands covered under Exs.A-1 and A-2 sale transactions.

Accordingly in the absence of sufficient sale transactions, the trial court while taking judicial notice of the fact that the lands in Warangal District, where the subject lands are situate, are more fertile than other lands in Telangana District, assessed the annual income from the subject lands at Rs.5,000/- per

acre and by applying the multiplier of 12, arrived at the annual income from the lands at Rs.60,000/- per acre. Accordingly fixed the market value of the land at Rs.60,000/- per acre and awarded all the statutory benefits. In the absence of contra evidence, we do not find any illegality or perversity in the impugned award.

Finding no merit in the instant appeal, the same is accordingly dismissed.
No costs.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

J.UMA DEVI,J

DATE:12—10—2017
AVS

