

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE N. BALAYOGI

APPEAL SUIT No.782 of 2003

JUDGMENT: (*Per VRS,J*)

The Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894, questioning the enhancement of compensation from Rs.22,500/- per acre to Rs.60,000/- per acre.

2. Heard the learned Government Pleader for appeals (AP) appearing for the appellant.

3. The respondents 1, 2 and 4 to 6 have already been served with notices, but they have not chosen to enter appearance. The appeal was dismissed for non-prosecution as against the 3rd respondent.

4. The land of an extent of about Acs.10.79 cents in S. Thimmapuram village of Kirlampudi Mandal, East Godavari District, was acquired for the purpose of Yeluru Left Canal. After taking note of 37 sale transactions, the Land Acquisition Officer fixed the compensation at Rs.22,500/- per acre. Not satisfied with the award, the land owners sought references. One such reference was made in O.P.No. 47 of 1993. The reference Court enhanced the compensation to Rs.60,000/- per acre, on the basis of an award passed in another reference in O.P.No.286 of 1990. Therefore, the Land Acquisition Officer is on appeal.

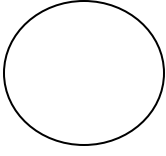
5. In respect of the very same land acquisition, yet another reference was made in O.P.No.38 of 1993, in which the reference Court enhanced the compensation from Rs.22,500/- per acre to Rs.60,000/- per acre. The said award became subject matter of a batch of appeals in A.S.Nos.865, 866, 891, 902 & 1704 of 2002 and 2569 of 2003. After consideration of the entire material on record, a Bench of this Court allowed those appeals partly, by a common judgment, dated 30.01.2006, reducing the compensation from Rs.60,000/- per acre to Rs.40,000/- per acre. Since the present appeal also arises out of the very same acquisition proceedings and since the lands acquired in the present case are similar to the lands covered in the other appeals, this appeal is also allowed, reducing the compensation from Rs.60,000/- per acre to Rs.40,000/- per acre. While making payment of the balance amount, the appellant is entitled to adjust any amount paid, either pursuant to the award or pursuant to any interim order passed by this Court at the time of granting stay. The respondents are entitled to statutory benefits, on the basis of the present fixation.

Consequently, miscellaneous petitions if any pending in the appeals shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

13th June, 2017
cbs



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A.S.No.782 of 2003
(allowed)

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+APPEAL SUIT No.782 of 2003

% 13-06-2017

The Land Acquisition Officer and Special
Deputy Collector, Y.R.P. Unit, III,
Peddapuram.

.. Appellant

Vs.

\$ Anukula Seethayamma and others

.. Respondents

<GIST:



>HEAD NOTE:

! Counsel for petitioner : The Government Pleader (AP)

^ Counsel for respondents : --

? CASES REFERRED : ----