

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M.S.K. JAISWAL

A.S.No.1917 of 2003

ORDER: (V. Ramasubramanian, J)

Aggrieved by the enhancement of compensation granted from Rs.4,000/- per acre to Rs.20,000/- per acre, the Land Acquisition Officer, Maidipalli, Karimnagar District, has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Government Pleader for Appeals for the State of Telangana. The respondents 3 to 7 have been served. The other respondents died and the appeal was dismissed as abated on 10-03-2015.

3. The land of an extent of Ac.3.19 guntas of Govindaram village, Maidipalli Mandal, Karimnagar District, was acquired for the purpose of providing house sites to persons belonging to Backward Classes. An award was passed on 16-10-1992 fixing the compensation at Rs.4,000/- per acre.

4. On a reference made under Section 18 of the Act, the Reference Court enhanced the compensation to Rs.20,000/- per acre, forcing the Land Acquisition Officer to come up with the above appeal.

5. The Land Acquisition Officer took note of 23 sale transactions that took place within one year immediately preceding the date of notification under Section 4 (1) of the Act. Out of them, the Land Acquisition Officer took into account the sale indicated in

item 20 of the list whereby an extent of Ac.2.00 of land in Survey No.938 was sold in the year 1990 for a sum of Rs.7,200/-. This worked out to Rs.3,600/- per acre, and hence, the Land Acquisition Officer fixed the compensation at Rs.4,000/- per acre.

6. Before the reference Court, the claimants were examined as PWs.1 to 3. 4 documents were filed on the side of the claimants. One document in Ex.A.1 was a certified copy of the sale dated 03.11.1989. Ex.A.2 was a sale deed dated 18-04-1988. Exs.A.3 and A.4 were the certified copies of the judgment in O.P.No.20 of 1990 and the judgment in A.S.No.1562 of 1991.

7. It is seen from Ex.A.4 that this Court confirmed the market value of a land located within a radius of 1 KM. at Rs.20,000/- per acre. The total extent of land acquired in this case was just Ac.3.19 guntas. Therefore, we do not find any illegality in the judgment of the reference Court, especially when the Court went by the fixation of compensation in yet another case as confirmed by a Bench of this Court, in respect of a land, which is similar in nature and located within a short radius.

Accordingly, the appeal is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M.S.K. JAISWAL, J

Date: 14-06-2017

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