

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE N. BALAYOGI

Appeal Suit No.2184 of 2003

JUDGMENT: (V. Ramasubramanian, J)

Not satisfied with the small enhancement of compensation granted by the reference Court, the claimants have come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard Mrs. T. Sridevi, learned counsel for the appellants and the Government Pleader for Appeals for the State of Andhra Pradesh.

3. The land of an extent of Ac.0.26 cents in Survey No.20/86 of Koppaka village, Anakapalle Mandal, Visakhapatnam District, belonging to the appellants was acquired along with the lands of the total extent of more than about Ac.4.19 cents, for the purpose of Yeleru Left Main Canal project. The original notification issued under Section 4 (1) of the Act was dated 11-04-1984. But by a subsequent corrigendum dated 11-06-1986, additional lands were included in the acquisition. The land belonging to the appellants formed part of the acquisition notified by corrigendum and not part of the first notification.

4. After taking note of 95 sale transactions that had taken place within 3 years preceding the date of notification under Section 4 (1) of the Act, the Land Acquisition Officer arrived at the compensation payable for the appellants' lands at Rs.19,213/- per acre.

5. On a reference made under Section 18 of the Act at the instance of the land owners, the compensation was enhanced to Rs.25,000/-. Contending that the value of the land should be at least Rs.1,50,000/- per acre, the appellants have come up with the above appeal.

6. At the outset, it should be pointed out that the appellants themselves purchased the acquired land of the extent of Ac.0.26 cents only under Ex.A.3 sale deed dated 25-12-1981 for a total amount of Rs.5,000/-. The first notification under Section 4 (1) of the Act was issued on 11-04-1984. However, the lands of the appellants were not included in the said notification. Therefore, the fixation of market value with reference to the date i.e.11-04-1984 may not be proper, since the land of the appellants was included only in the corrigendum dated 11-08-1986. To this extent, the contention of the learned counsel for the appellants is correct.

7. The appellants have come up with ASMP.No.1307 of 2016 seeking permission to file additional documents, and the additional documents sought to be filed are: (1) certified copy of a sale deed dated 02-05-1979; (2) certified copy of a sale deed dated 25-11-1987; (3) the village map and (4) the certified copy of the market value of the appellants' lands issued by the office of the Sub-Registrar, Anakapalle.

8. Out of these additional documents sought to be marked, we do not think that we can go by the sale deed dated 02-05-1979 sought to be marked as Ex.A.5. This is for the reason that the

appellants themselves purchased the property only in 1981 and they cannot rely upon a document of the year 1979 to impress upon by this Court that the market value was higher. Similarly, the sale deed dated 25-11-1987 sought to be marked as Ex.A.6 is also of no avail, for the reason that it was subsequent to the date of acquisition. Many times, the market value of lands in the vicinity go up, after the acquisition. Hence, Ex.A.6 cannot also be taken into account.

9. The only document that can perhaps be taken into consideration is Ex.A.8. As per Ex.A.8, issued by the Joint Sub-Registrar, Anakapalle, the guideline value of the land in Survey No.20/8 was Rs.40/- per square yard as on 01-01-1986. This works out to Rs.50,336/- for the entire extent of Ac.0.26 cents of land acquired from the appellants.

10. As we have stated earlier, the Land Acquisition Officer took into consideration 94 sale transactions, but rejected most of them. Before the Reference Court, the appellants relied upon Ex.A.2, which showed the value per square yard as Rs.40/-, but as on 28-04-1989. Therefore, the Reference Court rightly rejected Ex.A.2.

11. Today, we have gone through Ex.A.8. One mistake admittedly committed by the Land Acquisition Officer as well as the Reference Court is to take 11-04-1984 as the date of notification. Therefore, considering the fact that the total extent acquired from the appellants is only Ac.0.26 cents and the fact that the total compensation fixed by the Reference Court was only Rs.25,000/-,

we are of the considered view that by fixing the market value at Rs.50,336/- for the entire extent of Ac.0.26 cents, the equities can be balanced.

12. Therefore, the appeal is partly allowed, enhancing the compensation to Rs.50,336/- for the entire extent of Ac.0.26 cents acquired from the appellants. In other words, we have not indicated the rate per acre but have indicated the compensation at Rs.50,336/- for the entire extent of Ac.0.26 cents at Rs.40/- per square yard. The appellants will be entitled to the other statutory benefits under the law.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

ADDITIONAL DOCUMENTS MARKED AS PER ORDERS IN
ASMP.No.1307 of 2016, dated 28-06-2017

- Ex.A.5: Certified copy of the sale deed vide document No.2205, dated 02-05-1979
- Ex.A.6: Certified copy of the sale deed vide document No.4166, dated 25-11-1987
- Ex.A.7: Original village Map
- Ex.A.8: Original Market Value Certificate issued by Sub-Registrar, Anakapalle

V. RAMASUBRAMANIAN, J

N. BALAYOGI, J

Date: 28-06-2017
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