

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Delivered on :15-06-2017

Coram :

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

APPEAL SUIT No.3407 of 2003

Between:

The State through
Land Acquisition Officer,
Kathalpur

Appellant/respondent

Vs.

1. Netikunta Bhumaiah S/o. Ashalu R/o. Gambheerpur, Village, Kathalpur
Mandal, and others.

Respondent/claimants

Counsel for the appellant : G.P. for Appeals (TG)

Counsel for the respondents : Mr. G. Madhusudhan Reddy



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

A.S.No.3407 of 2003

JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the enhancement of compensation granted by the reference Court from Rs.6,500/- to Rs.20,000/- per acre the Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Government Pleader for Appeals (Telangana) and Mr. G. Madhusudhan Reddy, learned counsel appearing for the respondents/claimants.

3. The land to an extent of Ac.2.23 guntas of dry land in Sy.Nos.516, 525, 527 and 530 situated at Gambheerpur village of Kathalapur Mandal in Karimnagar District, belonging the claimants was acquired by the Government for the purpose of formation of approach road to the Thalla Cheruvu Project. After taking note of 20 sale transactions, the Land Acquisition Officer fixed the compensation at Rs.6,500/- per acre.

4. Not satisfied with the above order, the land owners sought a reference. By a judgment dated 31.07.2001 passed in L.A.O.P.No.58 of 1993 the reference Court enhanced the compensation to Rs.20,000/- per acre. It is against the said judgment the present appeal is filed.

5. As stated earlier the Land Acquisition Officer took note of 20 sale transactions that took place within a period of three years immediately preceding the date of the notification under Section 4(1). After discarding many of those transactions, the Land Acquisition Officer took note of sale Item Nos.2 to 4 wherein the land of an extent of Ac.0.34 guntas in sy.No.50/A was sold vide document dated 30.12.1989 at the rate of Rs.6,305/- per acre. Accordingly he fixed the market value of the acquired land at Rs.6,500/- per acre.

6. Before the reference Court the claimants were examined as PWs.1 to 4. They filed Exs.A.1 to A.4. The Referring Officer was examined as RW.1. He filed Award proceedings dated 07.07.1993 as Ex.B.1.

7. It is seen from the judgment of the reference Court that the reference Court went by a decision rendered by this Court in A.S.No.1503 of 1991 confirming the fixation of compensation at Rs.20,000/- per acre in O.P.No.21 of 1990. The judgment in O.P.No.21 of 1990 was filed as Ex.A.2. The claimant in O.P.No.21 of 1990 was also examined as PW.2. The land covered by Ex.A.2 was also in the same village and acquired for the very same project. Therefore, there are no grounds to interfere with the award of the reference Court since the reference Court simply followed the judgment of this Court in another appeal.

8. Hence the Appeal is dismissed. As a sequel, miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.



JUSTICE V. RAMASUBRAMANIAN

JUSTICE N. BALAYOGI

15th June, 2017
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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(Per VRS,J)



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