

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.S.K. JAISWAL**

APPEAL SUIT No.2157 of 2003

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

Challenging the enhancement of compensation granted by the reference Court, the Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard the learned Advocate General appearing for the appellant.

3. A total extent of Acs.92.10 cents in J.Annavaram of Yeleswaram Mandal in East Godavari District, was acquired for the purpose of Yeleru Reservoir Project. The lands acquired fell under three categories, namely (1) Dry-cum-Wet lands, (2) Dry lands, and (3) Waste lands.

4. The Land Acquisition Officer, vide Award No.2/1990, dated 15.02.1990, fixed the compensation at Rs.18,000/- per acre for Dry-cum-Wet lands, Rs.12,000/- per acre for Dry lands, and Rs.3,000/- per acre for Waste lands. On a reference, the reference Court vide order and decree dated 28.04.2001 in L.A.O.P.No.200 of 1996, enhanced the compensation from Rs.18,000/- to Rs.40,000/- per acre for

Wet lands, from Rs.12,000/- to Rs.35,000/- per acre for Dry lands, and from Rs.3,000/- to Rs.35,000/- per acre for Waste lands. Aggrieved by the said enhancement, the Land Acquisition Officer is before us.

5. In this appeal, we are only concerned with the land of an extent of about Acs.5.46 cents classified as Dry-cum-Wet, the land of an extent of Ac.1.92 cents classified as Dry, and the land of an extent of Acs.18.50 cents classified as Waste.

6. It appears that in respect of the remaining lands, out of the larger extent of Acs.92.10 cents, acquired for the same Project, this Court approved the compensation of Rs.50,000/- per acre in a judgment rendered on 29.12.2010 in A.S.No.41 of 2002. The compensation awarded by the reference Court in the judgment under appeal is far below the said limit. Therefore, *prima-facie*, the judgment of the reference Court does not call for any interference.

7. In any case, it is seen from the Award that even the District Collector, vide his proceedings dated 31.01.1989, had approved compensation @ Rs.21,000/- per acre for Wet lands, Rs.12,000/- per acre for Dry lands, and Rs.3,000/- per acre for the land unfit for cultivation. It is on this basis that the Land Acquisition Officer fixed the compensation, but the District Collector was not examined before the reference Court.

8. The Referring Officer, who was examined as RW.1 pleaded ignorance about the nature of the land and the locational advantages and disadvantages. Therefore, the reference Court first rejected his testimony.

9. The claimants examined three persons on their behalf and marked four documents as Exs.A.1 to A.4. Ex.A.1 is the Certified copy of judgment in O.P.No.171 of 1996, Ex.A.2 is a Sale Deed dated 23.01.1986, relating to the sale of the land of an extent of Ac.0.88 cents, Ex.A.3 is the Certified copy of the order passed in O.P.No.73 of 1992, and Ex.A.4 is the Certified copy of suit register extract in O.P.No.73 of 1992.

10. The reference Court found that a judgment of this Court in A.S.No.972 of 1996 and batch, rendered on 20.02.1998, was relied upon by another reference Court in its judgment marked as Ex.A.1, wherein the compensation for Dry land was fixed at Rs.40,000/- per acre and compensation for Wet land was fixed at Rs.50,000/- per acre. Apart from this fact, the reference Court also took note of another judgment of this Court in A.S.No.820 of 1999, dated 27.09.2000, wherein this Court approved the fixation of compensation for the acquired lands in the very same village at Rs.50,000/- per acre for Wet lands, Rs.40,000/- per acre for Dry-cum-Wet lands, and Rs.35,000/- per acre for cultivable Dry lands. It is in view of two judgments of this Court, one produced before the

reference Court and another relied upon by another reference Court in a different O.P., the reference Court enhanced the compensation as mentioned above. Therefore, there are no reasons to interfere with the judgment of the reference Court.

11. Hence, the Appeal Suit is dismissed. No order as to costs.

12. As a sequel, miscellaneous petitions pending, if any, in this Appeal Suit shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE M.S.K. JAISWAL

14.06.2017.
Msr



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