

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.1287 of 2003

Between:

The Land Acquisition Officer,
(Mandal Revenue Officer)
Kammarpally, Nizamabad District.

Appellant/respondent

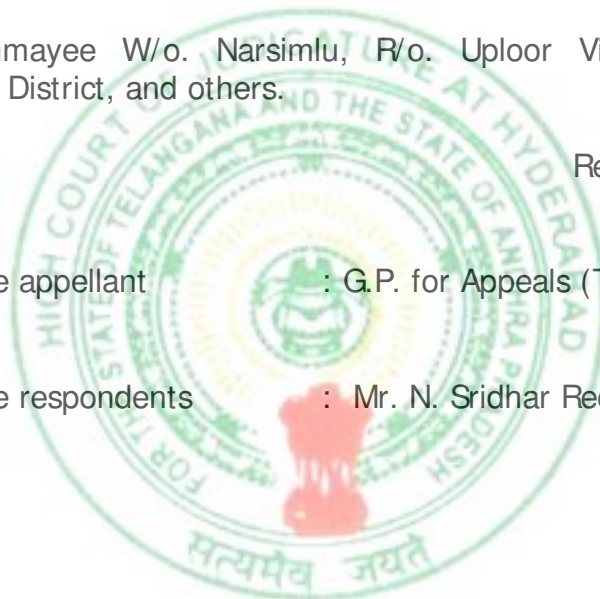
Vs.

1. Patem Ammayee W/o. Narsimlu, R/o. Uploor Village, Kammarpally,
Nizamabad District, and others.

Respondents/claimants

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

Counsel for the respondents : Mr. N. Sridhar Reddy



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

A.S.No.1287 of 2003

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

Aggrieved by the enhancement of compensation granted by the reference Court from Rs.10,200/- per acre to Rs.10/- per square yard 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. N. Sridhar Reddy learned counsel appearing for the respondents.

3. The land of an extent of Ac.3.22 guntas in Sy.No.447 and Ac.6.35 guntas in Sy.No.453 of Uploor Village of Nizamabad District was acquired by the Government for the purpose of providing house sites to weaker sections. After taking note of 15 sale transactions, the Land Acquisition Officer fixed the compensation at Rs.10,200/- per acre.

4. Not satisfied with the award, the land owners sought a reference. By a judgment dated 08.11.1999 passed in L.A.O.P.No.1 of 1993 the reference Court enhanced the compensation to Rs.10/- per square yard. It is against the said judgment the present appeal is filed.

5. As stated earlier the Land Acquisition Officer took note of 15 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 the sale deed dated 05.02.1990, and fixed the market value of the acquired land at Rs.10,200/- per acre.

6. Before the reference Court on behalf of the claimants three witnesses were examined as RWs.1 to 3. A Certificate issued by Registrar Office was filed as Ex.B.1; a registered sale deed dated 23.07.1987 was filed as Ex.B.2; and the judgment in A.S.No.2792 of 1992 was filed as Ex.B.3. On behalf of the referring

officer, no oral evidence was let in but the copy of the Award was marked as Ex.A.1.

7. RW.2 is a resident of the same village and he was the purchaser under Ex.B.2. He purchased the land of an extent of 242 sq. yards for a consideration of Rs.3,600/- under Ex.B.2.

8. The claimants claimed that they were raising commercial crops and they used to get an annual income of Rs.80,000/- per year and that the Land Acquisition Officer could have adopted capitalization method.

9. As seen from the award, the Land Acquisition Officer adopted the sale transactions indicated in the documents at Sl.Nos.5 and 6 of the data sales. These sale transactions had taken place in February, 1990 showing the rate at Rs.7,200/- per acre. Since the draft notification was published on 13.03.1992, the Land Acquisition Officer thought fit to increase the rate reflected in the sale deed dated 05.02.1990 by a sum of Rs.3,000/- and arrived at the market value at Rs.10,200/- per acre.

10. Though the reference Court found fault with the Land Acquisition Officer for choosing one particular transaction where the market value was indicated as Rs.7,200/- per acre, the reference Court nevertheless did not also accept Ex.B.2 filed by the claimants. But the reference Court found from the evidence of RW.3 that when his lands were acquired, the Land Acquisition Officer fixed compensation of Rs.18,000/- per acre and that the Civil Court enhanced the compensation to Rs.9/- per sq. yard, after deducting 1/3 towards developmental charges.

11. Therefore, after taking note of the increase in the prices from 1981, the reference Court fixed the compensation at Rs.10/- per sq. yard after deducting 1/3 towards development expenses.

12. The enhancement granted by the reference Court appears to be fair and reasonable and is not flowed on factual and legal basis. Therefore we find no justification to interfere with the enhancement of compensation. The total

extent of land acquired is only Ac.3.22 and Ac.6.35 guntas. Therefore, the enhancement does not really make huge difference. Hence, the appeal is dismissed.

13. 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
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

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(Per VRS,J)



15th June, 2017

Js.