

**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.1406 of 2003

Between:

The Special Deputy Collector, Land Acquisition,
Visakhapatnam Urban Development Authority,
Visakhapatnam.

Appellant/respondent

Vs.

1. S. Anandababu S/o. S. Appa Rao, Malakapuram Village, Visakhapatnam
District, and others.

Respondent/claimants

Counsel for the appellant : Mr. P. Jagadeshchandra Prasad S.C.

Counsel for the respondents : Mr. Kowturu Pavan Kumar



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A.S.No.1406 of 2003

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

Aggrieved by the enhancement of compensation granted by the reference Court from Rs.25,000/- per acre to Rs.18/- per sq. yard, the Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard Mr. P. Jagadeeshchandra Prasad, learned Standing Counsel appearing for the appellant and Mr. Kowturu Pavan Kumar, learned counsel appearing for the respondents/claimants.

3. The land to an extent of Ac.9.59 cents situated in Sy.Nos.292, 301, 304 of Kanithi Village of Visakhapatnam District, belonging to the claimants was acquired by the Government for the purpose of civil township under Gajuwaka I.U.D.P. Scheme. After taking note of 4 sale transactions, the Land Acquisition Officer fixed the compensation at Rs.25,000/- per acre.

4. Not satisfied with the above order, the land owners sought a reference. By a judgment dated 29.03.2001 passed in L.A.O.P.No.791 of 1996 the reference Court enhanced the compensation to Rs.18/- per sq. yard. It is against the said judgment the present appeal is filed.

5. As stated earlier the Land Acquisition Officer took note of the sale transactions from 22.06.1976 to 21.6.1979 that took place within a period of three years immediately preceding the date of the notification under Section 4(1). After discarding as many as 1061 registration statistics of the sale transactions, the Land Acquisition Officer took note of only four sale transactions. Accordingly, he fixed the market value of the acquired land at Rs.25,000/- per acre.

6. Before the reference Court on behalf of the claimants, two persons were examined and a certified copy of the judgment in L.A.O.P.No.727 of 1996 was marked as Ex.A.1. On the side of the referring officer none was examined, but the copy of the Award was marked as Ex.B.1.

7. It is an admitted fact that the land was acquired for the purpose of formation of Civil Township and housing purposes. The reference Court found that the Land Acquisition Officer considered only four sale transactions for arriving at the market value at Rs.25,000/- per acre. Actually, the Land Acquisition Officer found the market value to be at Rs.37,500/- per acre and after deducting 1/3, fixed the rate of compensation at Rs.25,000/- per acre.

8. The evidence of the claimants shows that the father of PW.1 sold an extent of Ac.0.13 cents in Sy.No.303/4, located at a distance of 3 to 4 Kms. from the national highway for a consideration of Rs.3,00,000/-. The Court below found from the evidence that housing colonies had already been developed near that land. Therefore, the Court below did not go by the same.

9. However, under Ex.A.1, the reference Court enhanced the compensation to Rs.18/- per sq. yard, pursuant to a Lok Adalat Award, on which reliance was placed. Therefore, the reference Court took the same as benchmark and enhanced the compensation from Rs.5.16 ps., per sq. yard to Rs.18/- per sq. yard. Therefore, we do not think that the judgment of the reference Court suffers from any infirmity. The judgment is based upon the evidence on record. Considering the fact that the extent of the land acquired was also not huge, we are of the view that the judgment of the reference Court does not call for any interference. In fact, the appeal has already been dismissed as against some of the respondents for the failure of the appellant to effect service of notices. Therefore, in any case, the appeal is liable to be dismissed and the same is dismissed.

10. 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.

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(Per VRS,J)



15th June, 2017

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