

HONOURABLE SRI JUSTICE RAMESH RANGANATHAN
AND
HONOURABLE SRI JUSTICE N. BALAYOGI

L.A.A.S.No. 11 OF 2016

ORAL JUDGMENT: (per HON'BLE SRI JUSTICE RAMESH RANGANATHAN)

In this appeal, preferred against the order of First Additional District Judge, Kadapa in LAOP.No.536 of 2002 dated 31.12.2009, the appellants-Claimants restrict the relief claimed by them seeking (1) enhancement of compensation for Sweet Orange Trees from Rs.2,500/- to Rs.4,000/- per tree; and (2) enhancement of compensation for the structures, instead of Rs.5/- per square metre, by 80% of the compensation awarded by the Land Acquisition Officer.

In so far as the compensation, for Sweet Orange Trees is concerned, the appellants-claimants herein had sought Rs.4,000/- per Sweet Orange Tree as compensation in the appeal preferred by them before this Court, as against the compensation awarded by the Reference Court, in its order in LAOP.No.536 of 2002, at Rs.2,500/- per tree. A Division Bench of this Court in its common order in LAAS.No.53 of 2010 and batch dated 06.11.2013, taking into account the lapse of time for acquisition of twenty years, observed that it was just and proper to determine the market value of Sweet Orange Trees at Rs.4,000/- per tree. As acquisition, in the present case, also relates to land, building and trees of the same village, the compensation payable to the appellants-claimants, for each Sweet Orange Tree, shall stand enhanced from Rs.2,500/- to Rs.4,000/- per tree, in term of the order of the Division Bench in LAAS.No.53 of 2010 and batch dated 06.11.2013.

The other claim relates to acquisition of structures. As against the amount awarded by the Reference Court for the structures at Rs.5.00 per square meter, the appellants herein claimed enhancement of 80% over and above the amount awarded by the Land Acquisition Officer.

While the Reference Court granted the claimants Rs.5.00 per square metre, the appellants-claimants had sought enhancement of 80% over the amount awarded by the Land Acquisition Officer.

In LAOP.No. 358 of 1999 and batch, the Senior Civil Judge, Rajampet had, by order dated 31.10.2002, enhanced the compensation for structures to 40%. Aggrieved thereby, the claimants had preferred LAAS.No.718 of 2007 & batch; and a Division Bench of this Court, by its common order in AS.No. 2681 of 2003 and batch (which included AS.Nos.718 to 730 and 915 of 2007), directed enhancement of compensation upto 80% over and above the compensation awarded by the Land Acquisition Officer. As the subject matter of the present appeal also relates to very same notification, which was under consideration in AS.No.2681 of 2003 and Batch, dated 19.08.2008, these appellants-claimants are also entitled for enhancement of compensation by 80% of the amount awarded, by the Land Acquisition Officer, for the structures acquired for the project.

The appellants-claimants shall be entitled for all statutory benefits on the enhanced compensation for Sweet Orange Trees from Rs.2500/- to Rs.4,000/- per tree; and enhancement of 80%, over the amount awarded by the Land Acquisition Officer, for the structures.

The appeal is, accordingly, allowed. Miscellaneous petitions pending consideration if any in the appeal shall stand closed in consequence. No costs.

JUSTICE RAMESH RANGANATHAN

JUSTICE N. BALAYOGI

Dated 23rd July, 2018.
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