

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

+ L.A.A.S. No.232 of 2017

% Date: 08-11-2018

1. Talamanchi Usha Rani W/o Vijayabhaskara Reddy,
Aged 52 years, R/o Penubarthi Village,
Rapur Mandal, SPSR Nellore District

2. Talamanchi Sidda Reddy S/o Veera Reddy,
Aged 65 years, R/o Penubarthi Village,
Rapur Mandal, SPSR Nellore District

... Petitioners

Vs.

\$ 1. The Spl. Deputy Collector (LA),
Telugu Ganga Project, Podalakur at Nellore,
Neelagiri Sangam, Dargamitta, Nellore,
SPSR Nellore District

... Respondent/Referring Officer

2. Shaik Silav Bi W/o Meera Saheb
3. Challa Rajasekhara Reddy S/o Venkata Krishna Reddy
4. Mattam Lakshamma W/o Rosaiah
5. Mopuru Venkata Reddy S/o Rami Reddy
6. Peddisetti Narasimha Prasad S/o Narasaiah
7. Talamanchi Veera Reddy (Died)
8. Peddisetti Narasimha Rao S/o Narasaiah
(R.2 to R.8 not necessary in **this** appeal, hence given up)
... Respondents/Claimants

! Counsel for Petitioners: Mr. P.Ganga Rami Reddy

Counsel for Respondent No.1: Government Pleader for
Appeals (Andhra Pradesh)

Counsel for Respondents 2 to 8: ---

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> Head Note:

? Cases referred:
Nil.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

L.A.A.S. No.232 of 2017

Judgment: (per V.Ramasubramanian, J.)

Aggrieved by the refusal of the Reference Court to grant enhancement of compensation with regard to trees, the claimants have come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.

2. Heard Mr. Ganga Rami Reddy, learned counsel for the appellants and the learned Government Pleader for Appeals (Andhra Pradesh) appearing for the 1st respondent/ Referring Officer.

3. The Notification under Section 4(1) was issued on 22-10-1990. Acquisition was for the fore shore submersion, in respect of Kandaleru Reservoir Project. The total extent of land sought to be acquired was Ac.8-00. Insofar as the present appeal is concerned, the Land Acquisition Officer, by an award dated 20-3-1992, fixed the total compensation payable for 1,831 Pomegranate trees at Rs.65,916/-. The Reference Court, by a judgment dated 02-7-2004, confirmed the fixation of the value of the trees. Therefore, the claimants are before this Court.

4. Insofar as the number of trees is concerned, there is no dispute. The award itself shows that there were 1,831 Pomegranate trees. Hence, we can take it that there is no dispute in this regard.

5. Insofar as the value of Pomegranate trees is concerned, a Division Bench of this Court passed a judgment on 07-9-2017 in L.A.A.S. Nos.991 and 1016 of 2007 fixing the market value of Pomegranate trees at Rs.2,500/- per tree. The said case also related to the acquisition for the very same Project. Therefore, the appellants are entitled to the same benefit.

6. However, the judgment of the Reference Court was dated 02-7-2004 and the present appeal was filed after a long delay in April, 2016. Therefore, while condoning the delay, it was made clear that the appellants will not be entitled to interest, if any enhancement was granted in the appeal.

7. Therefore, taking note of the above, the appeal is allowed, to the limited extent of fixing the market value of the Pomegranate trees at Rs.2,500/- per tree and directing the Land Acquisition Officer to recalculate the amount payable together with all statutory benefits. But the appellants will not be entitled to interest on the differential amount viz., the difference between the amount now awarded and the amount already awarded by the Land Acquisition Officer, in respect of the trees, for the period of delay in approaching this Court with the above appeal. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

08th November, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

L.A.A.S. No.232 of 2017
(per VRS, J.)



08th November, 2018.
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