

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

L.A.A.S.No.56 of 2011

Date: 18.04.2018

Between:

The Special Deputy Collector-cum-
Land Acquisition Officer, L.A. Unit,
P.J.P. Gadwal,
Mahabubnagar district

...

Appellant

And

Gattu Hanumanthu S/o.Pedda Yellappa
Aged: 56 years (died) per L.Rs. R86
and 98 others

...

Respondents

Counsel for the Appellant : Government Pleader for Appeals
(TS)

Counsel for the Respondents: Mr.S.Venkateshwara Reddy

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This appeal by the Special Deputy Collector-cum-Land Acquisition Officer, L.A. Unit, Priyadarshini Jurala Project, Gadwal, Mahabubnagar district (for short 'L.A.O.'), is filed against Award and Decree dated 27.07.2009 in O.P.No.65 of 2004 on the file of the Senior Civil Judge at Gadwal. The land to an extent of Acres 39.06 cents of Jammiched village belonging to the respondents, was acquired for the purpose of Priyadarshini Jurala Project, as it came under submergence of the said project. The Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was published on 16.08.2003. The L.A.O. passed Award No.27 of 2003 dated 29.12.2003, fixing the market value of the above land @ Rs.35,000/- per acre. Dissatisfied with the quantum of compensation, the respondents have got the dispute referred to the Civil Court (hereinafter referred to as 'Reference Court') under Section 18 of the Act. On behalf of the claimants, PWs-1 to 7 were examined and exhibits A1 to A15 were marked. On behalf of L.A.O., RW-1 was examined and exhibit B1 was marked. On appreciation of oral and documentary evidence, the Reference Court has fixed the compensation on square yard basis @ Rs.113/- per square yard, which comes to Rs.5,11,920/- per acre. Feeling aggrieved by the said fixation, the L.A.O. has filed the present appeal.

2. Mr.S.Venkateshwar Reddy, learned counsel for the respondents submitted that the Reference Court has enhanced the compensation based on exhibits A14 and A15, certified copies of the order of the Reference court in O.P.No.21 of 2002 dated 27.04.2005 and the judgment of the High Court, confirming the said order respectively. In paragraph 15 of the order under appeal, the Reference Court observed as under:

“The claimants, apart from Ex.A12 sale deed, lay their hands more particularly on Ex.A14 and A15. The lands situate at Gadwal were acquired by the RDO for A.P. Housing Board Colony and Award No.1/2002 was passed fixing the market value @ Rs.16,000/- per acre. On reference u/s. 18 of the LA Act, this Court through Ex.A14 enhanced the market value to Rs.113/- per square yard after giving a deduction of 1/3rd from the gross value of Rs.170/- per square yard. The LAO carried the matter in appeal. The Hon’ble High Court of A.P. through Ex.A15 dismissed the appeal affirming the market value as fixed by this court. RW1 in her cross-examination has categorically stated that the land covered by Exs.A14 and A15 is situate very near to the acquired lands but behind Gadwal Rural Police Station and not abutting the main road whereas the acquired land is situate abutting PWD main road which leads from Gadwal to NH7. It has also come on record that the acquired land is 3 Kms. away from Gadwal Mandal headquarters, which is growing rapidly. Though Jammiched village where the land is situate has its own Gram Panchayat, it is almost merged in Gadwal municipality, as the same is at a distance of just 3 Kms. Part of the acquired land, more particularly S.No.406, had got an approved lay out for residential plots numbering 10. PWs 4 to 7 also stated that the acquired land is surrounded by industrial, commercial and residential areas and adjacent to PJP office and Vijayanagar colony. It appears from the evidence on record that some of the land was already acquired on account of submergence of KLI water (Jammulamma Reservoir Back water).”

3. We have also gone through the deposition of RW-1, wherein she stated as under:

“It is true the above claimants matter has discussed in the award and their lands they were claimed on the basis of square yard. But, the then L.A.O. had fixed the market value as per L.A. Act. It is true the lands above claimant under acquisition are abutting to P.W.D. roads which leads to Gadwal to Kurnool and Hyderabad. It is true the Ex.A14 lands were acquired for the purpose of A.P.H.B.

near by acquired lands, both lands are similar in nature. It is true the Ex.A14 lands were behind present Rural Police Station not on the main road. It is true the above claimants acquired lands on the abutting to P.W.D. road. It is true the Ex.A14 lands were confirmed under Ex.A15.”

4. Learned Government Pleader for Appeals (TS), has not disputed and indeed, he could not have disputed, that the evidence on record has justified the Reference Court to fix the compensation @ Rs.113 per square yard, based on exhibits A14 and 15, which pertain to the land situated in the same locality in which the acquired lands have been situated and that, as conceded by the L.AO., the land covered by exhibits A14 and A15 are behind the present rural police station and not on the main road, in contrast to the acquired lands which are situated abutting the P.W.D. road.

5. In the light of the above, we do not find any reason to interfere with the order under appeal and the appeal is, accordingly, dismissed.

6. As a sequel to the dismissal of the appeal, miscellaneous applications if any, stand dismissed.

(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 18th April, 2018

msb

