

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

+ L.A.A.S. No.107 of 2015

% Date: 19-9-2018

Burneni Ramanamma W/o Late B.Venkata Subbaiah,
Aged 48 years, Agriculturist, Panyam Village & Mandal,
Kurnool District

... Appellant/Claimant

Vs.

\$ The Special Deputy Collector, LA & Reh.),
S.S.P., Kurnool, Kurnool District

... Respondent/Referring Officer

! Counsel for Petitioner: M/s. Balla Ravindranath &
Savithri Devi

Counsel for Respondent: Government Pleader for Appeals
(Andhra Pradesh)

< Gist:

> Head Note:

? Cases referred:
Nil.

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Judgment: (per V.Ramasubramanian, J.)

Aggrieved by the inadequacy of the enhancement granted by the Reference Court under Section 18 of the Land Acquisition Act, 1894, the land owner has come up with the above appeal under Section 54.

2. Heard Ms. K.Savithri Devi, learned counsel for the appellant and the learned Government Pleader for Appeals (Andhra Pradesh) for the respondent.

3. The land of an extent of Ac.4-57 cents in Panyam Village and Mandal, Kurnool District, was acquired for the purpose of excavation of Srisailem Right Bank Canal. Possession was taken on 16-6-1999, but the Notification under Section 4(1) was issued only on 21-6-2001. The award was passed on 31-7-2001 fixing compensation at Rs.36,000/- per acre.

4. A reference was made under Section 18 to the Principal Senior Civil Judge, Nandyal. Before the Reference Court, the land owner examined herself as R.W.1 and another person as R.W.2. She also filed Ex.B-1, which is the registration extract of a sale deed, dated 14-9-1994, which indicated the market value of the property to be Rs.1,40,000/- per acre.

5. The Land Acquisition Officer examined himself as P.W.1 and filed the copy of the award as Ex.A-1.

6. On the basis of the evidence on record, the Reference Court discarded Ex.B-1 and enhanced the compensation only to Rs.55,000/- per acre. Therefore, the appellant is before us.

7. Originally, the appellant sought enhancement only to Rs.1,00,000/- per acre. Subsequently, upon coming to know of the judgment delivered in other connected cases in respect of the same locality, the appellant filed an application for amendment of the prayer. The amendment was allowed by order dated 12-02-2018, permitting the appellant to claim Rs.1,50,000/- per acre.

8. At the outset, it should be pointed out that the reasons stated by the Reference Court, for rejecting Ex.B-1, are not correct. In fact, the sale under Ex.B-1 was of the year 1994, which was at least 7 years prior to the date of the Notification under Section 4(1). As against this documentary evidence, the Reference Court thought fit to rely upon the oral evidence to the effect that the market value will be more than Rs.1,00,000/- per acre.

9. In respect of an acquisition under a Notification dated 14-02-2000, in the very same Panyam Village in Kurnool District, a Division Bench of this Court allowed an appeal in L.A.A.S.No.56 of 2008 by judgment dated 25-8-2014, fixing the compensation at Rs.1,50,000/- per acre. We are of the considered view that the reasons given in the said judgment,

will hold good for the case on hand also. Therefore, the appeal is allowed and the compensation is enhanced to Rs.1,50,000/- (Rupees one lakh and fifty thousand only) per acre. Pending applications, if any, shall stand closed.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

19th September, 2018.
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AND
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L.A.A.S. No.107 of 2015
(per VRS, J.)



19th September, 2018.
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