

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

AND

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

A.S.No.666 of 2004
and Cross Objections (SR) No.

27.04.2018

Between:

The Special Deputy Collector (Land Acquisition),
Telugu Ganga Project, Nellore

..Appellant

and

Achuta Chittapasetty and others

..Respondents

Counsel for the appellant: Government Pleader for Appeals (A.P.)

Counsel for the respondents: Mr.Chetluru Sreenivas

The Court made the following:



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

For convenience, the parties are hereinafter referred to as they are arrayed in the appeal.

2. The appeal is filed by the Land Acquisition Officer (L.A.O.) against order and decree, dated 12.10.2001, of the Additional Senior Civil Judge, Gudur (for short 'the reference Court') in L.A.O.P.No.56 of 1993, whereby it has enhanced the compensation fixed by the L.A.O. in respect of the acquired land from Rs.7,500/- to Rs.10,000/- per acre. The respondents filed the cross objections claiming enhancement of the market value. While all the respondents/claimants claimed enhancement of compensation for mango and pomegranate trees, respondent Nos.2 and 3/claimant Nos.2 and 3 claimed enhancement of compensation for the acquired land also.

3. At the hearing, the learned Government Pleader for Appeals (A.P.) appearing for the appellant has fairly submitted that a Division Bench of this Court by its judgment, dated 01.03.2013, in A.S.No.1749 of 2004 and Cross Objections (SR) No.3962 of 2008, enhanced compensation for the mango trees to Rs.3,000/- per tree and for pomegranate trees to Rs.2,000/- per tree. He has placed before us a copy of judgment, dated 04.10.2017, in A.S.No.407 of 2004 and batch along with the cross objections, wherein the

aforesaid judgment, dated 01.03.2013, in A.S.No.1749 of 2004 has been followed. He has also submitted that the claimants therein have given up their claim for enhancement of compensation for the acquired land.

4. Mr.Chetluru Sreenivas, learned counsel for the respondents/cross objectors, while fairly admitting the above submissions, has submitted that his clients are also not interested in pressing the cross objections to the extent of their claim for enhancement of compensation for the acquired land and that the market value of mango and pomegranate trees may be enhanced to Rs.3,000/- and Rs.2,000/- respectively per tree, as was done in the aforementioned two judgments. He has further submitted that as his clients have paid the Court fee only for Rs.1,000/- per pomegranate tree, they are willing to pay the differential Court fee for the claim of Rs.2,000/- per pomegranate tree.

5. In the light of the above submissions of the learned counsel for the parties and having regard to the judgments of this Court referred to above, this appeal and the cross objections are disposed of by enhancing the compensation for mango trees to Rs.3,000/- per tree and for pomegranate trees to Rs.2,000/- per tree, while confirming the compensation fixed for the acquired land by the

reference Court, subject to the payment of differential Court fee by the respondents.

6. As a sequel to disposal of these cases, A.S.M.P.No.4644 of 2004 in A.S.No.666 of 2004 filed by the appellant for interim relief shall stand disposed of.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

27th April, 2018
GHN

