

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

AND

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

AS.No. 3409 of 2003

26.04.2018

Between:

The Special Deputy Collector,
L.A.Unit, L.M.D.Colony,
Karimnagar.

..Appellant/Respondent

and

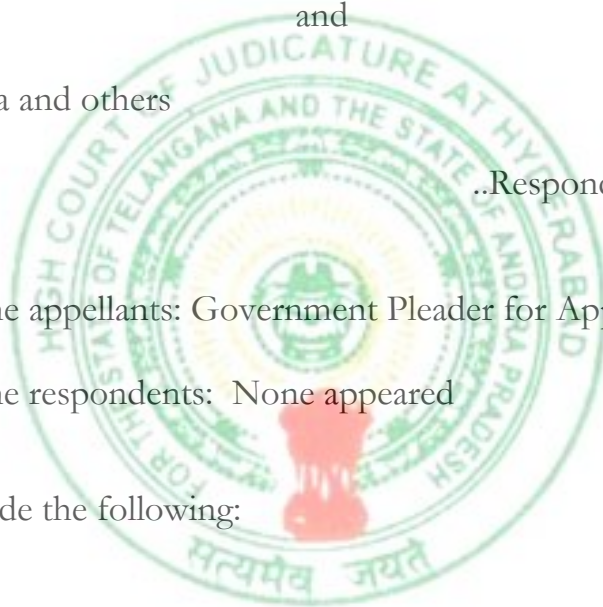
K.Kanthamma and others

..Respondents/Petitioners

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

Counsel for the respondents: None appeared

The Court made the following:



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

This appeal arises out of award and decree dated 08.03.1995 in OP.No.80 of 1986 on the file of the learned Subordinate Court, Karimnagar.

2. Though served, the respondents have not entered appearance. We have heard the learned Government Pleader for Appeals (T.S) appearing for the appellants and perused the record.

3. The land admeasuring Acs.17.38 guntas, forming part of the total extent of Acs.192.30 guntas, acquired for submergence under the Manaiar Dam, is the subject matter of this appeal. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was published on 15.11.1981 and the award was passed by the Land Acquisition Officer fixing the market value at Rs.8,000/- per acre for dry land and Rs.8,500/- per acre for single-crop wet land. Not satisfied with the said compensation, the respondents have got the dispute referred to civil Court under Section 18 of the Act. In support of their claim for higher compensation, the respondents have examined PWs.1 to 3 and got Exs.A.1 to A.4 marked. On behalf of the State, the Land Acquisition Officer examined himself as RW.1 and got Exs.B.1 to B.15 marked. Based on Ex.A.3-sale transaction, which took place on 15.04.1981, the reference Court enhanced the compensation to Rs.26,666/- per acre. It is not in dispute that under the said transaction, land to an extent of Ac.0.03

guntas in Sy.No.146 was sold for a consideration of Rs.2000/-, which worked out to Rs.26,666/- per acre. The reference Court has taken note of the fact that the lands under acquisition are situated in Sy.Nos.156 to 330 and are in the neighbourhood of the lands covered by Ex.A.3 i.e. Sy.No.146. The reference Court, accordingly, held that Ex.A.3 is a relevant document which ought not to have been discarded by the Land Acquisition Officer in fixing the market value.

4. While we do not notice any flaw in the reasoning of the reference Court, it is relevant to note that this appeal has already been dismissed for default on 10.03.2015 *qua* respondent Nos.10, 16 and 27 to 29 for non-service of notice. The State cannot be selective in pursuing the appeal with respect to a few respondents/claimants and press the appeal *qua* the remaining respondents, as, such a course, if permitted, constitutes discrimination.

5. For the aforementioned reasons, we are not inclined to interfere with the order of the reference Court and the appeal is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

Date: 26.04.2018
KLP