

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE MS JUSTICE J. UMA DEVI

+ L.A.A.S.No.426 of 2014

% Date: 25-10-2018

Between:

1. Dumpa Lakshmi Narayana Reddy, S/o. Veera Reddy,
and 17 others.

... Appellants/claimants

And

1. The Special Deputy Collector, (land Acquisition), Teugu Ganga
Project, Nellore.

... Respondent/Referring Officer

2. Rajula Ramaiah, S/o. Nallapa Reddy,
3. Kopparthi Venkatramaiah, S/o. Narayana Chetty, (died)
4. Kalive Indumuleswar Rao, S/o. Raja Narasimham
5. Kopparthi Chenchu Ratnamma, W/o. Venkatramaiah,
(respondents 2 to 5 are resident of Dachuru Village, Kaluvayi
Mandal, SPSR Nellore District.)

! Counsel for the appellants : Mr. Chetluru Sreenivas

^ Counsel for Respondent : G.P. for Appeals (AP)

< GIST:

> HEAD NOTE:

? Cases referred

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

L.A.A.S.No.426 of 2014

ORDER: (per VRS,J.)

This appeal arises out of an order of the Reference Court under Section 18 of the Land Acquisition Act, 1894.

2. Heard Mr. Chetuluru Srinivas, learned counsel for the appellant and learned Government Pleader for appeals (A.P).

3. The lands belonging to the appellants were acquired pursuant to the notification under Section 4(1) of the Land Acquisition Act, 1894 dated 30.03.1990. An award was passed in Award No.37/91-92, dated 23.03.1992. The project for which the acquisition was made was foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project.

4. The Land Acquisition Officer fixed the market value of the wetlands at Rs.16,000/- per acre and the market value of the dry lands at Rs.7,500/- per acre. The land owners sought a reference.

5. The reference Court, by the judgment dated 06.07.2004, enhanced the market value of wetlands from Rs.16,000/- to Rs.24,000/- per acre and the market value of dry lands from Rs.7,500/- to Rs.10,000/- per acre. Though the land owners are satisfied with this enhancement, the learned counsel for the appellant submitted that the appellants are aggrieved by the valuation of the trees.

6. Insofar as the trees are concerned, the reference Court fixed the value of the lime trees at Rs.100/- per tree and the value of the Coconut trees at Rs.85/- per tree and value of the tamarind tree at Rs.300/- per tree. Insofar as the other trees are concerned the reference Court did not

award any amount. Contending that this fixation is not in accordance with law, the land owners are before us.

7. Mr. Chetluru Srinivas, learned Counsel for the appellants produced a copy of the judgment of another Bench of this Court in a batch of cases in A.S.Nos.407 of 2004 and batch dated 04.10.2017. In the said batch, arising out of the very same acquisition for the very same purpose, the value of lime trees, coconut trees and Guava trees was fixed at Rs.3000/- per tree, tamarind tree was fixed at Rs.6000/- per tree, Soap-nut tree was fixed at Rs.5000/- per tree, pomegranate and Drumstick trees was fixed at Rs.2,000/- per tree, Palmyra trees was fixed at Rs.300/- per tree and the value of the remaining trees was fixed at Rs.400/- per tree. Therefore, the said judgment squarely applies to the case on hand also.

8. There are no disputes about the number of trees. The appellants are not now raising an issue with regard to the value of land or with regard to number of trees estimated by the reference Court. Therefore, the appellants are entitled to the benefit of the judgment of this Court in A.S.Nos.407 of 2004 and batch dated 04.10.2017.

9. However, it is seen that the appellants have confined the appeal only to the valuation of the lime trees, coconut trees and tamarind trees only. They have not covered the valuation of the other trees in their memo of grounds.

10. But, the learned counsel for the appellants submits that the petitioners are now entitled to pay the Court fee on the enhancement sought with regard to these trees, and seek enhancement in the light of

the law laid down by the Supreme Court in Ashok Kumar v. State of Haryana¹. The learned counsel is right.

11. In view of the above, the appeal is partly allowed, following the judgment in A.S.No.407 of 2004 batch dated 04.10.2017 the compensation in respect of the lime trees and coconut trees is enhanced to Rs.3,000/- per tree and the value of the tamarind trees is enhanced to Rs.6,000/- per tree. In all other aspects, the judgment of the reference Court will remain. The appellants shall pay the Court fees on the enhancement now sought in respect of the coconut trees and tamarind trees. It is made clear that the number of trees available on the land of the land owners shall be in accordance with Ex.B.1-statement filed by the Land Acquisition Officer.

12. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

V.RAMASUBRAMANIAN, J.

J. UMA DEVI, J.

25th October, 2018
Js.

¹ (2016) 4 SCC 544

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

L.A.A.S.No.426 of 2014

(per VRS, J.)



Js.

25th October, 2018