

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice D.V.S.S.Somayajulu

AS.No.240 of 2001

Dated 12.04.2018

Between:

The Special Deputy Collector (LA)
Somasila Project, Atmakur,
Nellore District, A.P.

... Appellant

and

Settiveeti Husenaiah and 19 others

... Respondents

Counsel for the Appellant: Spl.G.P. for LA

Counsel for the respondents: None appeared

The Court made the following:



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

The Special Deputy Collector (LA), Nellore District (hereinafter referred as LAO') instituted this Appeal feeling aggrieved by Common Award and Decree, dated 18.09.1992, to the extent it pertains to OP.No.752 of 1987, on the file of the Subordinate Judge, Rajampet (for short 'the Reference Court').

The land admeasuring Acs.2-40 cents belonging to the respondents was acquired in view of submersion in Somasila Project *vide* Gazette Notification issued under Section 4(1) of the Act on 07-07-1980. The LAO has passed award on 17.09.1986 fixing the market value of the said lands as under:

- “1.registered wet irrigable under tank water at Rs.14,000/- p.a.;
- 2.registered I.D.lands irrigable with well water at Rs.10,000/- p.a.;
- 3.registered dry irrigable with private well Rs.10,000/- p.a.;
- 4.registered dry irrigable with Doruvu Well at Rs.7,000/-;
- 5.rainfed lands at Rs.4,000/- p.a.;
- 6.Cultivable waste at Rs.1,500/-; and
- 7.un-cultivable at Rs.500/-.”

Though the Common Award dealt with different varieties of fruit bearing trees and wells, reference to the same is unnecessary for the reason that acquisition of the same is not involved in this Appeal. As the respondents felt dissatisfied with the fixation of market value as referred to above for their respective lands, they have got the dispute referred under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') to the Reference Court.

Common evidence was let in by all the claimants in different OPs. On behalf of the claimants, RWs.1 to 5 were examined and Exs.B.1 to B.11 were marked. The LAO has not let in oral evidence but got marked Exs.A.1 to A.12-award proceedings.

On appreciation of the oral and the documentary evidence, the Reference Court placed reliance upon Exs.B.5 to B.10- comparable sale transactions, the average market value under which worked out to more than Rs.22,000/- per acre and enhanced the compensation to (i) Rs.21,700/- per acre for Category I lands; (ii) Rs.19,000/- per acre for Category II and Category III lands; (ii) Rs.13,300/- per acre for Category IV lands; (iii) Rs.7,600/- per acre

for Category V lands; (iv) Rs.3,000/- per acre for Category VI lands; and (v) Rs.1,000/- per acre for Category VII lands.

Except getting the award proceedings marked, the LAO has not adduced any contra evidence. It is not in dispute that Exs.B.5 to B.10 were duly proved by the claimants by examining the persons connected with them. It is also not in dispute that the acquired lands have similar fertility as possessed by the lands under Exs.B.5 to B.10. Moreover, the enhancement made by the Reference Court is very moderate. Therefore, we do not find any reason to interfere with the order of the Reference Court.

The Appeal is, accordingly, dismissed.

(C.V.Nagarjuna Reddy, J)

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

Date: 12-04-2018
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