

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

AND

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

L.A.A.S.No.600 of 2008

and

Cross Objections (SR) No.14261 of 2015

12.04.2018

Between:

The Special Deputy Collector (Land Acquisition),
Kadapa

..Appellant

and

Singana Pulla Reddy and others

..Respondents

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

Counsel for the respondents: Mr.P.Sridhar Reddy

Cross Objections (SR) No.14261 of 2015

Between:

Singana Pulla Reddy and others

..Cross Objectors

and

The Special Deputy Collector (Land Acquisition),
Kadapa

..Respondent

Counsel for the appellants: Mr.P.Sridhar Reddy

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

The Court made the following:

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

The parties are hereinafter referred to as they are arrayed in L.A.A.S.No.600 of 2008.

2. L.A.A.S.No.600 of 2008 by the State is filed against order and decree, dated 28.01.1997, in L.A.O.P.No.438 of 1987 on the file of the learned Subordinate Judge, Rajampet, whereby he enhanced the market value of the land admeasuring Acs.14.95 ½ cents from Rs.11,000/- to Rs.20,000/- that of the value of 52 sweet lime trees in survey No.86 from Rs.473/- to Rs.1,200/- per tree and for 75 sweet lime trees in survey No.98/2 from Rs.366/- to Rs.1,200/- per tree.

3. Respondent Nos.2, 14, 16, 17 and 18 have filed Cross Objections (SR) No.14261 of 2015 claiming enhancement of value of sweet lime trees to Rs.4,000/- per tree.

4. As regards the enhancement of market value of the acquired land, from the reasons given by the Court below and the fact that the enhancement is very meagre, we do not find any reason to interfere with the same. Even the learned Government Pleader for Appeals (A.P.) appearing for the appellant also did not press much on this aspect.

5. As regards the enhancement of the value of sweet lime trees from Rs.1,200/- to Rs.4,000/-, Mr.P.Sridhar Reddy, learned counsel

for the respondents, has submitted that in identical cases i.e., L.A.A.S.Nos.53, 132, 175 and 219 of 2010, a Division Bench of this Court, *vide* its common judgment, dated 06.11.2013, enhanced the value of sweet lime trees to Rs.4,000/- per tree.

6. The learned Government Pleader, while not disputing the fact that the principle laid down by the Division Bench in its order, dated 06.11.2013, in L.A.A.S.Nos.53, 132, 175 and 219 of 2010 squarely applies to the present case also, however, pointed out that the Division Bench fixed Rs.4,000/- per tree based on judgment, dated 01.03.2013, in A.S.No.1749 of 2004 by observing that in respect of the trees covered by the said case, the acquisition was made in the year 1977 and the value of the trees was fixed at Rs.3,000/- per tree and that as there was time lapse of 19 years between the date of acquisition of the trees in A.S.No.1749 of 2004 and those of in L.A.A.S.Nos.53, 132, 175 and 219 of 2010 (acquisition in the latter cases was made in the year 1996), a further enhancement of Rs.1,000/- per tree was made and accordingly, the value per tree was fixed at Rs.4,000/-. The learned Government Pleader has further submitted that in the instant case, notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 05.01.1981 and the award was passed on 19.09.1986, which means that the acquisition in the instant case was made ten years earlier than the acquisition made in respect of the

trees covered by L.A.A.S.Nos.53, 132, 175 and 219 of 2010.

The learned Government Pleader has, accordingly, requested that the value per tree may be proportionately reduced taking the said factor into consideration. Mr.P.Sridhar Reddy, learned counsel for the respondents, did not dispute the above submission. As there is a time lag of ten years between the date of acquisition of the trees involved in L.A.A.S.Nos.53, 132, 175 and 219 of 2010 and the present case, we are of the opinion that reduction of value at Rs.500/- per tree will meet the ends of justice.

7. Accordingly, the value of sweet lime trees is enhanced from Rs.1,200/- to Rs.3,500/- per tree. L.A.A.S.No.600 of 2008 by the State is dismissed and Cross Objections (SR) No.14261 of 2015 by respondent Nos.2, 14, 16, 17 and 18 are allowed to the extent indicated above. Order and decree, dated 28.01.1997, in L.A.O.P.No.438 of 1987, of the Court below, accordingly, stands modified.

8. As a sequel to disposal of these cases, miscellaneous petitions, if any, pending for consideration in these cases, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

12th April, 2018
 GHN

CVNRJ & DVSSJ
L.A.A.S.No.600 of 2008
and Cross Objections (SR) No.14261 of 2015
12.04.2018

