

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

AND

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

A.S.No.763 of 2004

27.04.2018

Between:

The Land Acquisition Officer,
Warangal

..Appellant

and

Madishetty Veeraiah and others

..Respondents

Counsel for the appellant: Government Pleader for Appeals (T.S.)

Counsel for the respondents: Mr.B.Narayana Reddy

The Court made the following:



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

This appeal by the State through the Land Acquisition Officer (L.A.O.), Warangal, is filed against common order, dated 17.04.2000, to the extent it pertains to O.P.No.89 of 1995 on the file of the learned Principal Senior Civil Judge, Warangal (for short 'the reference Court').

2. Lands admeasuring Acs.5.15 guntas situated in Palakurthy village and Ac.0.21 guntas situated in Gatlakanaparthi village, which are the subject matter of the present appeal, were acquired for SPSR canal. Draft notification was published on 09.11.1987 and award was passed by the L.A.O. fixing the market value at Rs.9,000/- per acre along with statutory benefits. Feeling dissatisfied with the said fixation, the respondents/claimants got the dispute referred to the reference Court under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') claiming Rs.50,000/- per acre as compensation. The respondents examined P.Ws.1 to 5 and got Exs.X-1 to X-6 marked on their side. On behalf of the L.A.O., no oral evidence was let in, but Exs.B-1 and B-2 – the award proceedings were marked. On consideration of the oral and documentary evidence, the reference Court has enhanced the compensation from Rs.9,000/-per acre to Rs.22,500/- per acre.

3. It is evident from the order under appeal that the reference Court has referred to and relied upon Exs.X-1 to X-4 - the copies of the judgments and decrees of the reference Court as well as this Court respectively. P.W.2, who is the owner of certain lands situated in Ladella Village, which were acquired for the same purpose for which the lands in the case on hand were acquired, deposed that he was one of the claimants in O.P.No.125 of 1995; that the L.A.O. fixed the market value at Rs.8,000/- per acre and that under Ex.X-1 – the certified copy of the judgment in O.P.No.125 of 1995, the compensation was enhanced to Rs.25,000/- per acre. He further deposed that the said order was confirmed by this Court. P.W.3, who was one of the claimants in O.P.No.24 of 1988, deposed that his lands situated in Palakurthy village were acquired for the same purpose for which the lands in the case on hand were acquired. Ex.X-2 – the certified copy of the judgment of the reference Court in the said O.P. was marked through him, under which the reference Court enhanced the compensation to Rs.22,500/- per acre for dry lands. P.W.4, one of the claimants in O.P.No.220 of 1988, referred to Ex.X-3 – the certified copy of the judgment in the said O.P., wherein the compensation for the lands situated in Ogulapally and Mutyalapally acquired for the same purpose for which the lands in the case on hand were acquired, was enhanced to Rs.24,000/- per acre. Under

Ex.X-4 – the judgment of this Court in the appeal filed against the said O.P., the aforesaid enhancement was confirmed. It has also come on record that the lands which are the subject matter of O.P.No.24 of 1988 were notified for acquisition on 02.11.1983 and the lands which are the subject matter of O.P.No.220 of 1988 were notified on 06.02.1984. Undisputedly, there is a time gap of three to four years between the acquisition of the lands in the aforementioned O.Ps. and the acquisition of the lands in the case on hand. Therefore, the respondents would have been entitled to a reasonable escalation in prices in the said time gap. However, in spite of such entitlement, the reference Court was very conservative in adopting the value of Rs.22,500/- per acre as fixed under Ex.X-2.

4. In the light of the above facts, we do not find any illegality in the order of the Court below warranting our interference in this appeal.

5. This appeal is, accordingly, dismissed.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

27th April, 2018
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