

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

A.S. No.2610 of 2001

DATED:12-04-2018

Between:

The Special Deputy Collector (LA & REH.)
Srisailem Project
Wanaparthi ... Appellant

And

Narahari Bheemaiah ... Respondent

COUNSEL FOR THE APPELLANT: Mr. G.P. for Appeals (TS)

COUNSEL FOR THE RESPONDENT: None appeared



THE COURT MADE THE FOLLOWING:

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

Common Award and decree dt.15.12.1989 to the extent it pertains to O.P. No.857 of 1984 is assailed by the State represented by the Land Acquisition Officer.

2. Though notice was served on the respondent through substituted service by way of paper publication, he has not entered appearance.

3. We have heard the learned Government Pleader for Appeals (TS) and perused the record.

4. The acquisition made by the appellant involves sites over which structures were raised and vacant house sites. As regards the structures, the Reference Court has fixed the market value based on the guidelines fixed under G.O. Ms. No.1302, dt.18.5.1966, while observing that the appellant has not produced any contra evidence to discard the said G.O. on which reliance was placed by the respondent and other claimants. As regards the vacant house sites, the Reference Court has relied upon the order in O.P. No.68 of 1980 and batch on the file of the Principal District Judge, Mahaboobnagar, whereunder Rs.20/- per sq. meter was fixed as market value. The Reference Court has also referred to Ex.A.3 - certified copy of order dt.05.12.1988 passed in A.S.

No.1847 of 1981 filed against the Award in O.P. No.68 of 1980 whereunder this Court has dismissed the appeal thereby confirming the Award in the said O.P. The learned Government Pleader is unable to show that the Reference Court has committed any error in placing reliance upon the order in O.P. No.68 of 1980, as confirmed by this Court in A.S. No.1847 of 1981. It is also not his submission that the judgment in the said appeal, was carried in further appeal. In the light of the above facts, we do not find any reason to interfere with the well-reasoned Award and Decree of the Reference Court.

5. The appeal is accordingly dismissed.



C.V. NAGARJUNA REDDY, J

D.V.S.S. SOMAYAJULU, J

12-4-2018

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