

**THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

L.A.A.S No.584 OF 2007

JUDGMENT: (per Hon'ble Sri Justice T.Amarnath Goud)

The appellant has challenged the legality of the order dated 07.06.1999, in L.A.O.P.No.94 of 1990, passed by the Senior Civil Judge at Khammam, whereby, the learned Reference Court has enhanced the compensation payable to the claimants-land losers from Rs.10,500/- per acre to Rs.40,000/- per acre for the land located in Nelakondapally village and Mandal in Khammam District.

Briefly, the facts of the case are that *vide* notification dated 30.06.1988 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire lands in Nelakondapally village, for the purpose of construction of a bus stand. The Land Acquisition Officer (LAO) relied upon sale documents prevailed in that area immediately preceding three years from the date of issuance of Section 4(1) notification and fixed the market value at Rs.10,500/- per acre. After following the procedure under the Act, the LAO passed the award on 12.03.1990.

Since the land losers, the respondent Nos.2 and 3, were aggrieved by the award dated 12.03.1990, have approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.5,00,000/- per acre. In order to buttress their claim, they relied on Exs. A.1 to

A.4, certified copies of sale deeds, and examined three witnesses. After going through the evidence produced by both the parties, the learned Reference Court enhanced the compensation as aforementioned. Hence, this appeal before this Court.

Mr. B. Mayur Reddy, the learned Standing Counsel for the appellant, has contended that the learned Reference Court has ignored the fact that the land sold under Ex. A.1 is in a more advantageous position than the land under acquisition. Therefore, the price shown for the said land cannot be compared with the value of the land under acquisition. He further contended that the learned Reference Court has ignored the fact that the LAO has fixed the compensation basing on the documents prevailed in that area immediately preceding three years from the date of issuance of Section 4(1) notification and enhanced the compensation. Thus, the impugned order suffers from non-application of mind.

On the other hand, Mr. Kowturu Pavan Kumar, the learned counsel for the respondent Nos.2 to 7, has contended that the land sold under Ex. A.3 and the land under acquisition are situated adjacently and hence the learned Reference Court was justified in relying on Ex. A.3 in determining the compensation. Therefore, the learned counsel has supported the impugned order.

Heard the learned counsel for both the parties, perused the impugned order, and examined the record.

A bare perusal of the impugned order clearly reveals that the learned Reference Court relied mostly on Ex. A.3, under which, the adjacent land admeasuring Ac.0-60 cents was sold in the year 1979 at Rs.30,000/- per acre. The learned Reference Court, by taking into consideration the inflation rate, has fixed the market rate at Rs.40,000/- per acre. The appellant did not produce any rebuttal evidence. Therefore, the learned counsel for the appellant is unjustified in claiming that the learned Reference Court has erred in relying upon Ex. A.3 for granting the enhanced amount.

Admittedly, the land sold under Ex. A.3 is adjacently located to the land under acquisition. Though the sale price of Rs.30,000/- per acre is mentioned in Ex. A.3, which relates to the year 1979, the learned Reference Court, by taking into consideration the inflation, has fixed the compensation at Rs.40,000/- per acre. Therefore, it cannot be said that the learned Reference Court is unjustified in assessing the compensation as Rs.40,000/- per acre. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.40,000/- per acre is most reasonable.

For the reasons stated above, this Court does not find any merit in the present appeal. The order dated 07.06.1999, in L.A.O.P.No.94 of 1990, passed by the Senior Civil Judge at Khammam, is, hereby, confirmed. Accordingly, the appeal is dismissed.

There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

RAGHVENDRA SINGH CHAUHAN, J

T.AMARNATH GOUD, J

Date: 14.03.2019
TJMR

