

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

L.A.A.S.No.256 OF 2006

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

The appellant has challenged the legality of the order dated 28.01.1997, in O.P.No.39 of 1990, passed by the Subordinate Judge at Karimnagar, whereby, the learned Reference Court has enhanced the compensation payable to the respondent-land losers from Rs.6,700/- per acre to Rs.12,000/- per acre for the land located in Elgandal Village of Gangadhara Mandal in Karimnagar District.

Briefly, the facts of the case are that *vide* notification dated 11.09.1980 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire a total extent of Acs.01.25½ guntas of land, situated in Elgandal village, for the purpose of construction of Lower Manair Dam. While determining the compensation, the Land Acquisition Officer (LAO) relied upon the sale documents prevailed in that area immediately preceding three years from the date of issuance of Section 4(1) notification. After following the procedure under the Act, the LAO passed the award on 30.03.1981 granting a compensation of Rs.6,700/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 30.03.1981, they approached the Reference Court for enhancing the compensation. According to them, they were

entitled to receive a compensation of Rs.80,000/- per acre. In order to buttress their claim, they relied on certified copies of order and decree dated 10.09.1987 in O.P.No.732 of 1985 (Ex.A.1) and 13.12.1987 in O.P.No.734 of 1985 (Ex.A.2). Under Ex.A.1, the II Additional District Judge, Karimnagar, enhanced the compensation for the wet single crop lands at Rs.12,000/- per acre. Under Ex.A.2, the II Additional District Judge, Karimnagar, enhanced the compensation for the dry land at Rs.8,000/- per acre. 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.

The learned Government Pleader for Appeals, appearing for the appellant, has contended that the learned Reference Court has failed to see that the LAO passed the Award in respect of the acquired land after taking into consideration the sales registration, statistics obtained from the Sub-Registrar at the time of acquisition, making detailed enquiry, *inter alia*, as to the location, nature of fertility, prevailing market value and utility of the lands. Thus, the impugned order suffers from non-application of mind.

None appears on behalf of the respondents.

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

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.12,000/- per acre, it has fixed the compensation basing on the oral and documentary evidence adduced before it. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.12,000/- per acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.12,000/- per acre appears to be just and reasonable.

For the reasons stated above, this Court does not find any merit in the present appeal. The order dated 28.01.1997, in O.P.No.39 of 1990, passed by the Subordinate Judge at Karimnagar, 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: 15.03.2019
TJMR