

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

L.A.A.S.NO.576 OF 2007

ORDER: {Per the Hon'ble Sri Justice Raghvendra Singh Chauhan}

The appellant has challenged the legality of the order dated 31.12.2003, in O.P.No.12 of 2001, passed by the Senior Civil Judge, Peddapalli, whereby, the learned Reference Court has enhanced the compensation payable to the respondent-land losers from Rs.11,000/- per acre to Rs.30,000/- per acre for the land located in Gangaram village, and from Rs.14,500/- per acre to Rs.40,000/- per acre for the land located in Pegadapalli village, and has also enhanced the compensation for the 151 toddy and Sendhi (palm) trees from Rs.5,120 to Rs.10,240/-.

Briefly, the facts of the case are that *vide* notification dated 30.10.1998 issued under Section 4(1) of the Land Acquisition Act, 1894 ("the Act" for brevity), the Government had proposed to acquire a total of Acs.5.27 guntas of land, situated in Gangaram and Pegadapalli Villages of Srirampur Mandal, Karimnagar District, for the purpose of construction of High Level Bridge across the Hussainmiya Vagu, a rivulet. After following the procedure under the Act, the Land Acquisition Officer (LAO) passed the award on 28.12.1999. The LAO granted a compensation of Rs.11,000/- per acre for the land situated in Gangaram village, and Rs.14,500/- per acre for the land situated in Pegadapalli village, and Rs.5,120 for the 151 toddy and Sendhi trees.

Since the land losers, the respondents, were aggrieved by the award dated 28.12.1999, they approached the Reference Court for

enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.2,00,000/- per acre, Rs.3,000/- for the big toddy trees, Rs.2,000/- for the small toddy trees, Rs.2,000/- for the big Sendhi trees, and Rs.1,500/- for the small Sendhi trees, along with the other statutory benefits. In order to buttress their claim, they relied on a certified copy of sale deed dated 08.05.1997 (Ex. A1). They further examined two witnesses, and submitted two documents. 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. Imran Khan, the learned Government Pleader for the appellant, has vehemently contended as under:-

Firstly, the learned Reference Court has ignored the fact that Ex. A1 relates to a small plot to the extent of merely 360 square yards. Therefore, the price shown for the said land cannot be compared with the value of the land under acquisition, which comprises of a large extent of land.

Secondly, the learned Reference Court has granted two different compensations, ostensibly, on the ground that Rs.30,000/- per acre should be paid for “the dry land” and Rs.40,000/- for “the wet land”. However, the difference between the acquired land is not on the basis of the nature of the land, dry or wet, but instead is on the basis of their location in two different villages, namely Gangaram and Pegadapalli. Thus, the impugned order suffers from non-application of mind.

On the other hand, Mr. A.Sudershan Reddy, the learned counsel for the respondents-claimants, has vehemently contended

that the learned Reference Court was justified in relying on Ex. A1. Even if it has used the terms, “dry land” and “wet land”, the spirit of the impugned order is clear that Rs.30,000/- per acre needs to be paid for the land situated in Gangaram village, and Rs.40,000/- per acre needs to be paid for the land located in Pegadapalli village, along with other statutory benefits. Therefore, the learned counsel for the respondents-claimants has supported the impugned order.

Heard the learned counsel for 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 not only on Ex. A1 but most importantly on the testimonies of Kalva Prathap Reddy (P.W.1) and Moola Ramchandra Reddy (P.W.2). In their testimonies, Kalva Prathap Reddy (P.W.1) and Moola Ramchandra Reddy (P.W.2) have clearly stated that the land under acquisition was a fertile land where they were arising commercial crops like maize, chillies, ground-nut etc. and were earning an annual income of Rs.30,000/- per acre. The said testimonies have not been shattered, either in the cross-examination, or by any rebuttal evidence produced by the appellant. Ex. A1, sale deed, was produced merely to buttress the claim of Kalva Prathap Reddy (P.W.1) and Moola Ramchandra Reddy (P.W.2). Therefore, the learned counsel for the appellant is unjustified in claiming that the learned Reference Court has erred in relying upon Ex. A1 for granting the enhanced amount.

Although the learned Reference Court has used the terms “dry land” and “wet land”, but in the operative portion of the impugned order, the learned Reference Court has clearly stated

that the compensation of Rs.30,000/- per acre should be paid for the land situated at Gangaram village and Rs.40,000/- per acre for the land situated at Pegadapalli village. Therefore, the mere use of the words “dry land” and “wet land” would not reveal non-application of mind by the learned Reference Court. Hence, the second contention raised by the learned counsel is clearly untenable.

For the reasons stated above, this Court does not find any merit in the present appeal. The order dated 31.12.2003, in O.P.No.12 of 2001, passed by the Senior Civil Judge, Peddapalli, is, hereby, confirmed. The appeal is dismissed, accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, J)

(T.AMARNATH GOUD, J)

7th February 2019
RRB