

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

APPEAL SUIT No.583 OF 2004

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

The appellant has challenged the legality of the order dated 19.06.2001, in O.P.No.56 of 1999, passed by the II Additional Senior Civil Judge, Warangal, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.20,000/- per acre for dry lands and Rs.25,000/- per acre for wet lands to Rs.50,000/- for both the lands located in Damera village of Atmakur Mandal in Warangal District.

Briefly, the facts of the case are that *vide* notification dated 23.08.1996 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire lands in Damera village, for the purpose of excavation of IL Minor Canal for DBM-31 from KM.0-000 to 0-65 in the limits of Damera village. While determining the compensation, 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. After following the procedure under the Act, the LAO passed the award on 15.12.1998 granting compensation of Rs.20,000/- per acre for dry lands and Rs.25,000/- per acre for wet lands.

Since the land losers, the respondents, were aggrieved by the award dated 15.12.1998, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.50,000/- to Rs.70,000/- per acre. They did not file any documents to buttress their claim, however, they examined two 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.

The learned Government Pleader for Appeals, appearing for the appellant, has contended that though the claimants did not file any documentary evidence to establish their case for enhancement of the compensation, the learned Reference Court enhanced the amount to Rs.50,000/- per acre, basing on the judgments of the Apex Court pertaining to different villages. Thus, the impugned order suffers from non-application of mind.

On the other hand, Mr. P. Devender, the learned counsel for the respondents-claimants, has vehemently contended that the learned Reference Court was justified in relying on the judgments of the Apex Court. Even though the Reference Court relied on Exs.X.1 to X.3 in fixing the market value for the lands under acquisition, the spirit of the impugned order is clear that Rs.50,000/- per acre needs to be paid for the lands situated in Damera 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 Exs. X.1 to X.3 but most importantly, on the testimonies of G.Ravinder Reddy (P.W.1) and P.Keshava Reddy (P.W.2). G.Ravinder Reddy (P.W.1), in his testimony, has clearly stated that in respect of his land under acquisition, he was raising commercial crops namely cotton, mirchi and turmeric and was earning an annual income of Rs.10,000/- per acre/-. P.Keshava Reddy (P.W.2), in his testimony, has stated that in respect of lands in Vogulapur, which is an adjacent village, compensation amount was enhanced to Rs.25,000/- and the same was confirmed by this Court. The said testimonies have not been shattered, either in the cross-examination, or by any rebuttal evidence produced by the appellant. Therefore, the learned counsel for the appellant is unjustified in claiming that the learned Reference Court has erred in relying upon Exs. X.1 to X.3 for granting the enhanced amount.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.50,000/- per acre, it has fixed the compensation basing on Exs. X.1 to X.3. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.50,000/- per acre is most reasonable.

Therefore, the learned Reference Court is justified on relying upon Exs. X.1 to X.3 in order to assess the compensation as Rs.50,000/- per acre.

For the reasons stated above, this Court does not find any merit in the present appeal. The order dated 19.06.2001, in O.P.No.56 of 1999, passed by the II Additional Senior Civil Judge, Warangal, 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: 28.02.2019
TJMR