

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

APPEAL SUIT No.2986 OF 2004

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

The appellant has challenged the legality of the order dated 08.10.2002, in O.P.No.413 of 1994, passed by the Additional District Judge, Nizamabad, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.16,500/- per acre to Rs.42,000/- per acre for the land located in Shekapur village.

Briefly, the facts of the case are that *vide* notification dated 23.07.1993 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire the lands to the respondents, situated in Shekapur village of Navipet Mandal, Nizamabd District, for the purpose of submerging in the large tank of Binola village. While determining the compensation, the Land Acquisition Officer (LAO) relied upon a total of eighteen 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 20.10.1993 granting a compensation of Rs.16,500/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 20.10.1993, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.50,000/- per acre. They

examined one witness, and submitted one document. 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 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. He further contended that even though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.42,000/-, it has granted the same on its own. 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.

A bare perusal of the impugned order clearly reveals that the learned Reference Court, while fixing the compensation, has relied on certified copy of its earlier order (Ex. A.1), whereunder it has fixed the compensation at Rs.14,000/- per acre in respect of lands acquired in Shekapur village in the year 1979. As could be seen from Ex.A.1, land in Shekapur village was acquired in the year 1979 and the Reference Court, on reference, fixed the market value at Rs.14,000/- per acre. The Reference Court enhanced 12% per

annum to the compensation amount fixed under Ex. A.1 and accordingly enhanced the compensation amount to Rs.42,000/- per acre.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.42,000/- per acre, it has fixed the compensation by adding 12% per annum to the amount awarded under Ex. A.1 for the lands acquired in Shekapur village in the year 1979. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.42,000/- per acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.42,000/- 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 08.10.2002, in O.P.No.413 of 1994, passed by the Additional District Judge, Nizamabad, 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