

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

APPEAL SUIT No.2743 OF 2004

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

The appellant has challenged the legality of the order dated 25.03.2003, in O.P.No.31 of 1998, passed by the Senior Civil Judge, Bhongir, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.9,000/- per acre to Rs.12,000/- per acre for the land located in Saidapur village of Yadagirigutta Mandal in Nalgonda District.

Briefly, the facts of the case are that *vide* notification dated 14.02.1996 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire lands in Saidapur village, for the purpose of providing house sites to the Weaker Sections. 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 and fixed the market value of the lands of the land losers at Rs.9,000/- per acre. After following the procedure under the Act, the LAO passed the award on 10.09.1996.

Since the land losers, the respondents, were aggrieved by the award dated 10.09.1996, they approached the Reference Court for enhancing the compensation. According to them, they were

entitled to receive a compensation of Rs.70,000/- per acre. In order to buttress their claim, they relied on certified copies of sale deeds dated 12.04.1989, 03.03.1986 and 19.09.1986 (Exs. A.1 to A.3 respectively). Under Ex. A.1, an extent of Ac.3-02 guntas of land situated at Saidapur village was sold at a sale consideration of Rs.38,721/- per acre. Exs. A.2 and A.3 pertain to small extents of land. They further examined three witnesses, and submitted three 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.

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 the even though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.12,000/-, 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.

In the testimony of Dumbala Vittal Reddy (P.W.1), he stated that he was getting annual income of Rs.20,000/- per acre. Sh.Shankaraiah (P.W.2), in his testimony, has clearly stated that in the land under acquisition, he was raising cotton, chilly and paddy. K.Buchi Reddy (P.W.3), in his testimony, stated that his land under acquisition is useful for house sites and it is being irrigated through village tank water. The said testimonies have not been shattered, either in the cross-examination, or by any rebuttal evidence produced by the appellant.

Though the Reference Court did not believe the above testimonies on the ground that the claimants did not file any documentary evidence to prove their testimonies, it enhanced the compensation basing on the deposition of Bheem Reddy (R.W.1), who stated that the acquired land is adjacent to the village Saidapur. Therefore, the learned counsel for the appellant is unjustified in claiming that the learned Reference Court has erred in enhancing the compensation amount.

Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.12,000/- per acre is most reasonable. Therefore, the learned Reference Court is justified in fixing the compensation as Rs.12,000/- per acre.

For the reasons stated above, this Court does not find any merit in the present appeal. The order dated 25.03.2004, in O.P.No.31 of 1998, passed by the Senior Civil Judge at Bhongir, 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

