

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO  
AND  
THE HON'BLE SRI JUSTICE T. VINOD KUMAR**

**A.S. No.2703 of 2004**

**JUDGMENT:** (per Hon'ble Sri Justice M.S. Ramachandra Rao)

This appeal is preferred under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') challenging the judgment and decree dt.10.08.2001 in O.P. No.75 of 1999 of the II Addl. Senior Civil Judge Warrangal. The appellant herein is the Land Acquisition Officer (Special Deputy Collector), Sriramsagar Project, Warrangal.

2. An extent of Ac.13.38 gts situated in Thirumalapur, Muchiniparthi of Chityal Mandal, Warrangal District was acquired pursuant to a notification issued under Section 4(1) of the Act dt.03.03.1997 for excavation of a canal for DBM 38 from 0-000 km. to 1-250 km.

3. Award was passed on 30.03.1997 granting compensation of Rs.20,000/- per acre.

4. Respondents were not satisfied with the same and sought a reference under Section 18 of the Act seeking compensation of Rs.1,00,000/- per acre.

5. The said O.P. was numbered as O.P. No.75 of 1999.

6. Before the Reference Court, the respondents examined P.Ws-1 to 3 and marked Exs.A-1 to A-3. The appellant examined Ex.B-1 and Ex.B-2.

7. By judgment and decree dt.10.08.2001, the Court below enhanced the compensation from Rs.25,000/- per acre awarded by the Land Acquisition Officer to Rs.60,000/- per acre. The Court below referred the evidence on record and in particular to Ex.A-1 sale deed dt.26.11.1993 under which an extent of Ac.0.20 gts of land situated in Thirumalapur village was sold for a consideration of Rs.25,000/- per acre. It observed that if this document is taken into account, the price of land in Sy. No.133 of the said village was Rs.50,000/- per acre; that the acquired land which is the subject matter of this O.P. had been acquired in 1997; and that the land which is covered by Ex.A-1 was also subsequently acquired. It observed that if Ex.A-1 is taken into consideration, the value fixed by the LAO would be too low and would not reflect the actual prevailing market value of the subject land on the date of acquisition.

8. It refused to take into account Ex.A-2 an order passed by this Court in Appeal No.1560 of 1989 on 31.07.1996 on the ground that the land which was the subject matter of the said decision was in Chityal village and not in Thirumalapur village.

9. It observed that there would be enhancement of price between the date of execution of Ex.A-1 document in 1993 and the date of the notification issued for acquiring the subject land on 03.03.1997, and in the circumstances it would be reasonable to fix the market value at Rs.60,000/- per acre.

10. Challenging the same, this appeal is filed.

11. Heard the Learned Government Pleader appearing for the appellant and Sri J. Venkateswara Reddy for respondents.

12. The Learned Government Pleader for Arbitration contended that the Court below ought not to have enhanced the market value of the acquired land from Rs.25,000/- per acre to Rs.60,000/- per acre and Ex.A-1 could not have been taken into consideration by the Court below.

13. Counsel for the respondents refuted the said contentions and supported the order passed by the Court below.

14. Ex.A-1 is a sale deed dt.26.11.1993 under which Ac.0.20 gts of land in Thirumalapur village was sold for Rs.25,000/- (i.e) Rs.50,000/- per acre. The subject land which is acquired under the notification under Section 4(1) issued on 03.03.1997 is of extent Ac.12.11 gts.

15. If Ex.A-1 is taken into account, then cost per acre of the acquired land in the same village four years later would have appreciated and this Court can take judicial notice of increase in prices of land over a period of time and it would be much more than Rs.60,000/- per annum.

16. In the circumstances, the amount of Rs.25,000/- per acre fixed by the Land Acquisition Officer for the subject land appears to be very low.

17. So we do not find any error of law or fact in the decision of the Court below enhancing the compensation from Rs.25,000/- per acre awarded by the Land Acquisition Officer to Rs.60,000/- per acre.

18. However, in the decretal part of the order passed by the Court below, it appears that the Court below awarded interest at 9% per acre for one year from 30th March, 1997 stating that this is the date of taking possession. This appears to be incorrect because 30.03.1997 is the date of passing of the award by the Court below. Subject to this modification of the decree of the trial Court, the appeal is dismissed.

No costs.

19. Miscellaneous petitions pending, if any, shall stand closed.

**M.S. RAMACHANDRA RAO, J**

**T. VINOD KUMAR, J**

Date: 28.08.2019  
MRKR

