

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

L.A.A.S.No.435 OF 2007

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

The appellant has challenged the legality of the order dated 17.10.2006, in O.P.No.43 of 2001, passed by the Senior Civil Judge at Suryapet, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.12,000/- per acre to Rs.30,000/- per acre for the land located in Adivemla Village of Arvapally Mandal in Nalgonda District.

Briefly, the facts of the case are that *vide* notification dated 09.03.1996 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire the land of the respondents i.e., an extent of Acs.02.08 guntas of land, situated in Adivemla village, for the purpose of providing house sites to the weaker sections. While determining the compensation, the Land Acquisition Officer (LAO) relied upon the 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 03.01.1997 granting a compensation of Rs.12,000/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 03.01.1997, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.1,20,000/- per acre. In order to buttress their claim, they relied on true copy of the sale

deed dated 28.10.1976 (Ex.A.2) and other two documents. Under Ex.A.2, an extent of Ac.0.03 guntas of land was sold at the rate of Rs.3,000/- per gunta. They further examined two 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.30,000/-, 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.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.30,000/- per acre, it has fixed the compensation basing on the oral and documentary evidence adduced before it. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.30,000/- per

acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.30,000/- 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 17.10.2006, in O.P.No.43 of 2001, passed by the Senior Civil Judge at Suryapet, 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: 15.03.2019
TJMR

