

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

APPEAL SUIT No.2024 OF 2004

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

The appellant has challenged the legality of the order dated 28.03.2002, in O.P.No.37 of 1996, passed by the Senior Civil Judge, Miryalguda, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.16,000/- per acre to Rs.32,000/- per acre for the land located in Rajavaram village.

Briefly, the facts of the case are that *vide* notification dated 14.07.1992 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 Rajavaram village of Anumula Mandal of Nalgonda District, for the purpose of formation of C.A.D road from PWD road to Rajavaram L/1/3 from 9/255 to 9/630 in the limits of Rajavaram village. While determining the compensation, the Land Acquisition Officer (LAO) relied upon the provisions of Nagarjuna Sagar Acquisition Act. After following the procedure under the Act, the LAO passed the award on 19.12.1993 granting a compensation of Rs.16,000/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 19.12.1993, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.1,00,000/- per acre. In

order to buttress their claim, they relied on certified copies of judgments of this Court dated 24.08.1999 in A.S.Nos.2206 and 3344 of 1992 (Ex.A.1) and dated 19.12.1996 in A.S.No.2139 of 1991 (Ex.A.2), whereunder this Court confirmed the orders of the trial Court in fixing the compensation at Rs.25,000/- per acre. They further examined one witness, and submitted two 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.32,000/-, 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 the judgment of this Court dated 24.08.1999 in A.S.Nos.2206 and 3344 of 1992 (Ex.A.1). As could be seen from Ex.A.1, land in Kompally village was acquired in the year 1983 and an award was passed fixing Rs.200/- and Rs.250/- per acre basing on the valuation of land as on 01.07.1953. Hence, the land losers therein referred the matter to the civil Court and the civil Court in O.P.Nos.7 and 10 of 1991, enhanced the market value at Rs.25,000/- per acre. Challenging the enhancement, the LAO therein filed A.S.Nos.2206 and 3344 of 1992 before this Court and this Court dismissed the same by confirming the enhancement of compensation.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.32,000/- per acre, it has fixed the compensation basing on the judgment of this Court dated 24.08.1999 in A.S.Nos.2206 and 3344 of 1992 (Ex.A.1). Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.32,000/- per acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.32,000/- 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 28.03.2002, in O.P.No.37 of 1996, passed by the Senior Civil Judge, Miryalguda, 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

