

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

L.A.A.S No.443 OF 2006

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

The appellant has challenged the legality of the order dated 23.03.1992, in O.P.No.12 of 1989, passed by the Subordinate Judge at Bhongir, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.4,200/- per acre to Rs.12,000/- per acre for the land located in Rajapet Village and Mandal of Nalgonda District.

Briefly, the facts of the case are that *vide* notification dated 04.07.1986 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire lands in Rajapet village, for the purpose of construction of 33/11 K.V. Electric Sub-station at Rajapet. 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.4,200/- per acre. After following the procedure under the Act, the LAO passed the award on 24.09.1988.

Since the land losers, the respondents, were aggrieved by the award dated 24.09.1988, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive compensation of Rs.4/- per square yard. They

examined two witnesses, and submitted five documents i.e., Exs. A.1 to A.5, which include some of the sale documents pertaining to Rajapet village. 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 testimonies of Gulam Dasthagir (P.W.1) and V. Gyaneswar Goud (P.W.2), they stated that Rajapet is a Mandal head quarter, which is having shopping complex, high school, junior college, MDO Office and MRO Office and banks. There is much demand for house sites in the village. The said testimonies

have not been shattered, either in the cross-examination, or by any rebuttal evidence produced by the appellant.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.12,000/- 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.12,000/- per acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.12,000/- 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 23.03.1992, in O.P.No.12 of 1989, passed by the Subordinate 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: 07.03.2019
TJMR