

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

L.A.A.S.No.798 OF 2006

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

The appellant has challenged the legality of the order dated 18.10.1996, in O.P.No.27 of 1996, passed by the Subordinate Judge at Huzurabad, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.5,900/- per acre to Rs.12,000/- per acre for the land located in Kachapoor village of Keshavapatnam Mandal in Karimnagar District.

Briefly, the facts of the case are that *vide* notification dated 30.04.1986 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire a total extent of Acs.03-30 guntas of land, situated in Kachapoor Village of Keshavapatnam Mandal, Karimnagar District, for the purpose of excavation of 2L of 4L of DBM-15 at KM.0.000 to 1.000 in the limits of Kachapur village. 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 06.07.1988 granting a compensation of Rs.5,900/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 06.07.1988, they approached the Reference Court for

enhancing the compensation. According to them, they were entitled to receive a compensation of Rs.30,000/- per acre. In order to buttress their claim, they relied on certified copies of sale deeds dated 16.03.1984 (Ex.A.1) and 02.11.1994 (Ex.A.2). Under Ex.A.1, an extent of Ac.0.09 guntas of land, situated at half kilometer from the land under acquisition, was sold at a total sale consideration of Rs.2,700/-. They further examined two witnesses, 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.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.

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 18.10.1996, in O.P.No.27 of 1996, passed by the Subordinate Judge at Huzurabad, 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