

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

L.A.A.S.No.908 OF 2007

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

The appellant has challenged the legality of the order dated 04.07.2003, in O.P.No.84 of 2000, passed by the Principal Senior Civil Judge, Ranga Reddy District at N.T.R. Nagar, Hyderabad, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.2/- per square yard to Rs.5/- per square yard for the land located in Meerpet village in Ranga Reddy District.

Briefly, the facts of the case are that *vide* notification dated 10.02.1972 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, "the Act"), the Government had proposed to acquire an extent of Acs.3-14 guntas of land belonging to the respondents, in Sy.No.69, situated in Meerpet village in Ranga Reddy District, for the purpose of laying railway track. 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 31.08.1979 granting compensation of Rs.2/- per square yard.

Since the land losers, the respondents, were aggrieved by the award dated 31.08.1979, they approached the Reference Court for enhancing the compensation. According to them, they were entitled to receive compensation of Rs.100/- per square yard. In

order to buttress their claim, they relied on certified copy of sale deed dated 24.09.1996 (Ex.A.1). Under Ex.A.1, an extent of 399 square yards of land, situated in Sy.No.43, was sold at a total sale consideration of Rs.2,500/-. They examined one witness, and submitted one document. 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 learned Reference Court wrongly awarded solatium and market value from 02.02.1964 to 30.06.1978 instead of 10.02.1972, which is the date of 4(1) notification. Thus, the impugned order suffers from non-application of mind.

On the other hand, Mr. A.Ravinder Reddy, the learned counsel for the respondent Nos.2 and 3, has contended that the land sold under Ex. A.1 and the land under acquisition are situated adjacently and hence the learned Reference Court was justified in relying on Ex. A.1 in determining the compensation. Therefore, the learned counsel has supported the impugned order. However, he has not denied the aspect of wrongly awarding of solatium and market value, as pointed out by the learned Government Pleader.

Heard the learned counsel for the parties, 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.5/- per square yard, it has fixed the compensation basing on the oral and documentary evidence adduced before it, which does not warrant interference by this Court. However, the learned Reference Court erred in awarding solatium and additional market value from 02.02.1964 instead of 10.02.1972, which is the date of issuance of 4(1) notification.

For the reasons stated above, this appeal is partly allowed, modifying the order dated 04.07.2003, in O.P.No.84 of 2000, passed by the Principal Senior Civil Judge, Ranga Reddy District at N.T.R. Nagar, Hyderabad, to the effect of awarding solatium and additional market value from 10.02.1972 instead of 02.02.1964.

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: 20.03.2019
TJMR