

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

L.A.A.S.No.2211 OF 2004

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

The appellant has challenged the legality of the order dated 28.02.1991, in O.P.No.88 of 1987, passed by the Subordinate Judge at Nalgonda, whereby, the learned Reference Court has enhanced the compensation payable to the respondents-land losers from Rs.5,100/- per acre to Rs.7,400/- per acre for the land located in Kudhavanpoor village.

Briefly, the facts of the case are that *vide* notification dated 04.03.1987 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.5-21 guntas of land belonging to the respondents, situated in Kudhavanpoor village of Nalgonda Mandal and District, for the purpose of excavation of Srisailem Left Bank Canal (SLBC). While determining the compensation, the Land Acquisition Officer (LAO) relied upon a total of eleven 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 31.07.1987 granting a compensation of Rs.5,100/- per acre.

Since the land losers, the respondents, were aggrieved by the award dated 31.07.1987, they approached the Reference Court for enhancing the compensation. According to them, they were

entitled to receive a compensation of Rs.35,000/- per acre. In order to buttress their claim, they relied on certified copy of sale deed dated 20.03.1986 (Ex. A.1). Under Ex.A.1, an extent of Ac.0-20 guntas of land in Sy.No.29 of Kudhavanpoor village limits was sold at a total sale consideration of Rs.14,000/-. They further 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, having observed that the document Ex. A.1 is not a reliable one, ought not to have enhanced the amount to Rs.7,400/- per acre. 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, though it did not rely on Ex. A.1, but by

taking into consideration the hike in the prices of the lands and pendency of the matter for a long time, it has enhanced the compensation from Rs.5,100/- to Rs.7,400/- per acre. Apart from the same, in the testimony of Addela Narsi Reddy (P.W.1), he has clearly stated that the land under acquisition was a dry land where he was raising commercial crops and was earning an annual income of Rs.4,000/- per acre. The said testimony has not been shattered, either in the cross-examination, or by any rebuttal evidence produced by the appellant. Therefore, the learned counsel for the appellant is unjustified in claiming that the learned Reference Court has erred in granting the enhanced amount.

Though no specific evidence was placed before the Reference Court for fixing the compensation amount at Rs.7,400/- per acre, it has fixed the compensation basing on the hike in the prices of the lands and pendency of the matter for a long time. Since agricultural land is an essential asset for a farmer, the grant of compensation of Rs.7,400/- per acre is most reasonable. In the circumstances, it can be said that the order of the Reference Court fixing compensation at Rs.7,400/- 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 28.02.1991, in O.P.No.88 of 1987, passed by the Subordinate Judge at Nalgonda, 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

