

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

**THE HONOURABLE SRI JUSTICE P. NAVEEN RAO
AND
THE HONOURABLE SMT. JUSTICE P.SREE SUDHA**

LAND ACQUISITION FIRST APPEAL NO: 470 OF 2005

Appeal Under Section 54 of L.A. Act against the Judgment and Decree dated 18.11.2004 in O.P.No.863 of 1994 on the file of the Court of the I Additional District Judge at Nizamabad.

Between:

1. Chulla Hanumandloo, S/o Hanmandlu, aged 47 years,
2. B. Narasaiah, S/o Limbanna, aged 47 years,
3. B. Rajanna, S/o Gopal, aged 52 years,
4. N. Rajalingu, S/o Pedda Rajalingu, aged 58 years,
5. Hamshetti Nagubai, W/o Narsimlu, aged 47 years,
6. Neelam Gangubai, W/o Neelam Yerra Gangaram, aged 42 years,

All are R/o Bheemgal (K) Village of Bheemgal (M), Nizamabad District.

...APPELLANTS/CLAIMANTS

AND

The Land Acquisition Officer, Revenue Divisional Officer, Nizamabad.

...RESPONDENT/REFENCER

Counsel for the Appellants: SRI V. MANOHAR RAO

Counsel for the Respondent: THE GOVT. PLEADER FOR APPEALS (TG)

The Court delivered the following: JUDGMENT

THE HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
THE HON'BLE SMT JUSTICE P.SREE SUDHA

L.A.A.S.No.470 of 2005

JUDGMENT: *(Per Hon'ble Sri Justice P. Naveen Rao)*

Heard Sri V. Manohar Rao, learned counsel for the appellants,
and learned Government Pleader for Appeals.

2. For the purpose of construction of bridge on Bheemgal-Indalwai road, land acquisition process was initiated affecting the land of the appellants to an extent of Ac.1.25½ guntas in Survey Nos.241, 253, 150, 151, 1320 and 1322 of Bheemgal (B&R) Village. Ac.0.16 guntas is single crop wet land and Ac.0.09½ guntas is dry land. By award dated 17.08.1994, the Land Acquisition Officer fixed Rs.16,000/- per acre for single crop wet land and Rs.12,000/- per acre for dry land. Not satisfied with the said determination of the land value, the appellants sought reference under Section 18 of the Land Acquisition Act, 1894. The said reference was numbered as O.P.No.863 of 1994 on the file of 1 Additional District Judge at Nizamabad. By order dated 18.11.2004, the Reference Court enhanced the market value to Rs.21,000/- per acre for single crop wet land and Rs.18,000/- per acre for dry land with additions which include solatium, interest etc. Not satisfied with the said enhancement, this appeal is preferred.

3. According to learned counsel for the appellants, concerning the acquisition of land in Mothe Village, which forms part of the Zone - B Taluk, the land owners preferred A.S.No.2482 of 1989 and A.S.No.1431 of 1996 before this court. This Court, having considered the matter in detail, found that the market value

determined by the Land Acquisition Officer and by the Reference Court was inadequate and the same was not correct and determined the value at Rs.15/- per sq. yard. According to learned counsel, though appellants placed reliance on this judgment, the same was not even looked into by the Reference Court. He further submits that as compared to Mothe Village, Bheemgal is the Mandal headquarters and has been the headquarters for Taluk for a long time and therefore the value of the land in Taluk headquarters can be higher than the land value in Mothe Village. Therefore, the reasoning assigned by this Court in granting higher compensation ought to have been applied, while determining the market value of the land in issue. He further submits that the Reference Court has not appreciated the transactions that took place in the adjacent land and the same is not valid in law.

4. According to learned Government Pleader, Mothe Village is 6 to 7 kilometers away from Bheemgal Village and therefore the valuation of land in Mothe Village cannot be the basis to seek enhancement of compensation for the land in Bheemgal Village. As seen from the order of the Reference Court, the Reference Court considered the value of the adjoining lands to increase the market value and compensation and there is no error committed by the Reference Court warranting interference by this Court.

5. Except placing reliance on the decision of this Court and two appeal suits relating to acquisition of land in Mothe Village, there is no other material placed before this Court to dislodge the finding arrived at by the Reference Court.

6. Though learned counsel for the appellants sought to contend that the decision of this Court in A.S.No.2482 of 1989 was not considered, from the reading of the order, it is seen that the Reference Court has noted the decisions, but having regard to other material placed on record, the Court has not taken into consideration the reasoning assigned by this Court to enhance the market value of land in Mothe Village. Admittedly, Mothe Village is 6 to 7 kilometers away from Bheemgal Village. Therefore, there cannot be a comparison of the value of the land in a village away by 6 to 7 kilometers.

7. Leaving that aside, the appellants placed reliance on the sale transaction of piece of land of about 845 sq. yards sold for Rs.25,400/- which comes to Rs.1,45,840/- per acre. This was a solitary transaction and the Reference Court found that the value of the land reflected in the sale transaction of the year 1990 appears to be a fancy price. The Court evaluated the evidence brought on record. The Reference Court noticed that there were documents brought on record, which disclose far lower market value in the transactions. However, having noted that even though Ex.B1 concerns sale transaction of Ac.0.16 guntas of single crop wet land in Survey No.932, dated 17.06.1999 disclosing the value of the land at Rs.22,000/- per acre, the same was ignored and serial Nos.25 and 32 sale transactions were also ignored without assigning reasons and having found that those transactions were the last and near to the land acquired, the Reference Court agreed to enhance the market value to that of Rs.18,000/- per acre for dry land and Rs.21,000/- per acre for single crop wet land.

8. Having regard to the evidence brought on record, as evaluated by the Reference Court, and in the absence of any other material to dislodge the view taken by the Reference Court, we do not see any error in the manner in which the issue was considered and market value was determined by the Reference Court that warrants interference. The appeal fails and is accordingly dismissed. Miscellaneous petitions, if any, pending in this appeal shall stand closed.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District Judge, Nizamabad, Nizamabad District.
 2. One CC to Sri V. Manohar Rao, Advocate [OPUC]
 3. Two CCs to the Govt. Pleader for Appeals, High Court for the State of Telangana at Hyderabad. [OUT]
 4. Two CD Copies
 5. One Spare Copy
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HIGH COURT

DATED: 08/11/2021



JUDGMENT

LAAS.No.470 of 2005

DISMISSING THE APPEAL

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REMA
27/11/2021

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO
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Appeal Under Section 54 of L.A. Act against the Judgment and Decree of the Court of the I Additional District Judge at Nizamabad in O.P.No.863 of 1994.

ORDER: This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the Suit and upon hearing the arguments of Sri V. Manohar Rao, Advocate for the Appellant and of the Govt. Pleader for Appeals, for the Respondent.

This Court doth order and decree as follows:

1. That the Judgment and decree of the Court of the I Additional District Judge at Nizamabad in O.P.No.863 of 1994 dated 18.11.2004 be and hereby is confirmed, and the appeal is dismissed.
2. That there be no order as to Costs in the appeal.

//TRUE COPY//

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

1. The I Additional District Judge, Nizamabad, Nizamabad District.
2. Two CD Copies
3. One Spare Copy

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HIGH COURT

DATED: 08/11/2021

DECREE

LAAS.No.470 of 2005

DISMISSING THE APPEAL

Handwritten signature and date: 027/11/2021