

THE HON'BLE JUSTICE G. SRI DEVI
AND
THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI
L.A.A.S.No.638 OF 2010

JUDGMENT: (Per Hon'ble Justice G. Sridevi)

This appeal is filed under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") by the claimant aggrieved by the judgment and decree dated 24.03.2008 made in O.P.No.661 of 1997 on the file of the I Additional District Judge, Nizamabad, seeking enhancement of the market value in respect of the acquired land.

2. Brief facts of the case are that the Government has acquired land of the claimant admeasuring Ac.1.15 guntas situated at Gangagadda Nadkuda Village of Nandipet Mandal, Nizamabad District, for the purpose of providing house sites to weaker section people and draft notification under Section 4 of the Act was published on 23.02.1996 followed by draft declaration under Section 6 of the Act. After due enquiry, the LAO passed an award on 15.01.1997 fixing the market value of the acquired land at Rs.13,555/- per acre. Seeking enhancement of market value of the acquired land, the

claimant sought for reference under Section 18 of the Act. The reference Court considering Ex.A2-judgment in O.P.No.229 of 1986 dated 02.04.1991, enhanced the market value of the acquired land to Rs.8/- per square yard after deducting 1/3rd towards development charges. Being not satisfied with the above enhancement, the claimant has preferred this appeal.

3. Heard learned Counsel appearing for the appellant and the Assistant Government Pleader for Appeals for the respondent. Perused the material available on record.

4. Learned Counsel for the appellant submits that the land itself is acquired for providing house sites to the weaker section, which goes to show that the land is having potentiality to be used for housesites and therefore, instead of awarding market value on acre basis, the L.A.O. ought to have awarded the market value on yardage basis. It is contended that the award covered by Ex.A2 pertains to the year 1983 whereas the award in the present case pertains to the year 1996. Therefore, the reference Court having accepted the judgment and decree in Ex.A2 for fixing the market value, erred in not granting

escalation for the period of 13 years. Learned Counsel further submits that in respect of acquisition of the lands pertains to Niamabad Town, which were acquired for providing housesites by way of notification dated 24.03.1980, this Court in A.S.No.958 of 1999 dated 20.07.2000 has enhanced the market value of the land to Rs.60/- per square yard after deducting 1/3rd towards developmental activities. Therefore, the learned Counsel prays for enhancement of market value in respect of the acquired land.

5. On the other hand, learned Assistant Government Pleader submits that considering the potentiality of the land acquired for being used as housesites, the reference Court has rightly enhanced the market value from Rs.13,555/- per acre to Rs.8/- per square yard basing on Ex.B2 and therefore, prays for dismissal of the appeal.

6. Admittedly, the reference Court accepting the judgment and decree in O.P.No.229 of 1986 marked as Ex.A2 has modified and enhanced the market value of the acquired land from Rs.13,555/- per acre awarded by the L.A.O. to Rs.8/- per square

yard after deducting $1/3^{\text{rd}}$ towards developmental activities. As rightly contended by the learned Counsel for the appellant that there is a time gap of 13 years between the award passed in Ex.A2 and the present award, for which period there would be substantial increase in the market value of the land acquired, which has not been taken into consideration by the reference Court. The learned Counsel for the appellant placing reliance on the judgment of this Court in A.S.No.958 of 1999 dated 20.07.2000 sought for enhancement of compensation for the acquired lands at Rs.70/- per square yard as the land therein was acquired for similar purpose. However, the fact remains that the lands covered by A.S.No.958 of 1999 are situated in Nizamabad Town. Whereas, the lands covered by the present appeal are situated in Gangagadda Nadkuda Village of Nandipet Mandal, Nizamabad District. Thus, there would be variation in the price for both the lands. However, in the light of the judgment of this Court in A.S.No.958 of 1999, dated 20.07.2000 wherein the market value in respect of the lands at Nizamabad Town was enhanced to Rs.70/- per square yard, to meet the ends of justice, this Court is inclined to fix the market value of

the acquired land at Rs.45/- per square yard and after deducting $1/3^{\text{rd}}$ therefrom towards developmental charges the net market value is fixed at Rs.30/- per square yard.

7. In the result, the appeal is allowed enhancing the market value of the acquired land from Rs.8/- to Rs.45/- per square yard and after deducting $1/3^{\text{rd}}$ therefrom towards developmental charges the net market value is fixed at Rs.30/- per square yard. The claimant is also entitled for the statutory benefits like Additional amount, solatium and interest as per law. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

G. SRI DEVI, J

SMT. JUVVADI SRIDEVI, J

16.09.2022
gkv/tsr

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