

THE HON'BLE SRI JUSTICE M.LAXMAN

APPEAL SUIT No.1648 of 1991

JUDGMENT:

1. The present Appeal Suit is directed against the common order and award dated 04.06.1990 in Main O.P.No.141 of 1985 and batch on the file of the Court of learned Subordinate Judge, Gadwal, Mahabubnagar District, wherein and whereby, the Land Acquisition Officer enhanced the market value of the acquired dry lands from Rs.1,440/- to Rs.7,000/- per acre in addition to awarding solatium at the rate of 30% on the said market value of the acquired lands and interest at the rate of 9% per annum from the date of taking possession of the acquired lands on the excess and enhanced compensation amount upto one year and thereafter 15% per annum till the same is deposited into the Court shall be paid by the respondent and costs. The present appeal is at the instance of the appellant-referring officer.

2. The case of the claim petitioner before the reference Court was that, the lands were acquired by the respondent for the purpose of submergence in Sreesailam Project and an extent of Ac 1.24 gts was acquired in survey No.250/1, Chandur Village and the Land Acquisition Officer fixed the market value of Rs.1,440/-

per acre apart from other benefits. Aggrieved by the same, the petitioner sought for enhancement of compensation at Rs.10,000/- per acre for dry land and Rs.15,000/- per acre for wet land. It is contended that lands situated in Chandur Village are of black cotton soil with rich fertility and he grows commercial crops such as Tobacco, Chillies, Groundnut, Cotton etc and realize net income of Rs.2,000/- to Rs.3,000/- per acre every year. In view of the same, the petitioner prayed to award compensation for the acquired lands, at the rate of Rs.10,000/- per acre with costs and interest.

3. The case of the land Acquisition Officer was that, the award was passed after verifying the valuation of the lands in the Sub-Registrar's Office and the prevailing market value of the lands pertaining to the claimant. As such the petitioner has no right to claim any more amount than the amount already paid.

4. On behalf of the claimants PW1 was examined and Ex A1 was marked. On behalf of the respondent, RW1 was examined and Ex B1 was marked. The reference Court on the basis of Ex A1 fixed the market rate of the acquired lands at Rs.7,000/- per acre. Aggrieved by the same, the present Appeal Suit is preferred at the instance of the appellant-referring officer.

5. Heard learned counsel for the appellant-referring Officer. There is no representation from the respondent.

6. **Points for consideration:**

(i) Whether the Market Value fixed by the trial Court is fair, just and reasonable in the said circumstances of the case ?

7. The contention of the learned Government Pleader was that, the Market Value was enhanced by the reference Court without referring to the evidence on record simply believing Ex A1, wherein, the land covered under acquisition is different from the land for which the market value is fixed. Therefore, the reference Court ought not to have taken into consideration Ex A1 for fixing the market value/compensation.

8. As seen from the impugned common order and award passed by the reference Court, which has relied on Ex A1, it reflects that the award passed by the same Court in relation to same acquisition was taken into account since such award was already confirmed by this Court in appeal viz. A.S.No.3070 of 1987 dated 09.12.1988. On the basis of said confirmation the enhancement of market value of acquired dry land was made Rs.7,000/- per acre, which is just and fair. It is pertinent to note that the reference Court by impugned common order and award

enhanced the market value of the acquired dry lands but has not granted additional market value with consequential benefits. Such benefit shall be extended to claimant. Moreover, in view of the previous judgment of this Court whereunder, an Award of similar nature was confirmed in an Appeal, the present Appeal is devoid of merits and liable to be dismissed.

9. Accordingly, the Appeal Suit is dismissed. No costs. Miscellaneous Petitions, pending if any, shall stand closed.

JUSTICE M.LAXMAN

08.12.2022
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