

THE HON'BLE JUSTICE G. SRI DEVI

AND

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

L.A.A.S.Nos.167 of 2008 and 285 of 2008

COMMON JUDGMENT : (per Justice G. Sri Devi)

Since these two appeals are arising out of same acquisition proceedings and the issue involved is identical, they are heard together and being disposed of by this common judgment.

These two appeals are preferred by the claimants seeking enhancement of compensation awarded by the Principal Senior Civil Judge at Warangal (hereinafter referred to as "the reference Court") made in O.P.Nos.80 of 2002 and 70 of 2002 respectively, dated 05.07.2007. By the impugned award, the reference Court has enhanced the market value from Rs.37,800/- to Rs.53,000/- per acre.

2. Heard learned counsel for the claimants and the learned Assistant Government Pleader for the respondent. Perused the material available on record.

3. The lands of the claimants situated at Ellanda and Panthini villages were acquired by the Government for the purpose of road widening which leads from Warangal towards Khammam, by publishing draft notification under Section 4(1) of the Act on 03.01.2000. After due enquiry, the Land Acquisition Officer has

passed an Award on 15.09.2002 fixing the market value of the acquired land at Rs.75/- per square yard for some lands and Rs.37,800/- per acre for some lands. Having received the compensation under protest, the claimants sought for reference to the civil Court under Section 18 of the Act seeking enhancement of the compensation. On such reference, the reference Court has fixed the market value of the acquired land at Rs.53,000/- per acre. Not satisfied with the said enhancement, the claimants have filed the present appeals.

The main contention of the learned counsel for the appellants/claimants is that the reference Court ought to have considered the prevailing market value reflected in Exs.A1 and A2 which show that the market value was Rs.80,000/- per acre in the year 2000, and ought to have fixed the market value of the acquired land at Rs.80,000/- per acre. It is further contended that the very acquisition was for the purpose of widening of the road which itself shows that the area is commercially developed and therefore, the reference Court ought to have just compensation.

On the other hand, the learned Assistant Government Pleader has contended that the Land Acquisition Officer duly taken into consideration the prevailing sale statistics has fixed the market value of the acquired land at Rs.37,800/- and the reference Court duly

considering the Exs.A1 and A2 has sufficiently enhanced the market value to Rs.53,000/- per acre and therefore, the said order needs no interference by this Court.

Admittedly, the sale transactions covered by Exs.A1 and A2 pertain to 2000 i.e., prior to the notification issued under Section 4(1) of the Act dated 3.11.2000. The evidence further reflects that the lands covered by Exs.A1 and A2 are adjacent to the acquired lands. PW-2 has categorically deposed that he sold away the dry land in survey number 402/B under Ex.A1 dated 06.04.2000, @ Rs.80,000/- per acre and that the acquired lands are adjacent to the land covered by Ex.A1. Even under Ex.A2 dated 20.11.2000, the land was sold at Rs.80,000/- per acre. That apart, RW-1 in his cross-examination has admitted that the market value per acre in survey number 402 was showing as Rs.80,000/-. Even he has admitted that the post notification sale statistics were taken into consideration for fixing the market value. In such circumstances, the reference Court is not justified in not taking into consideration the sale value shown in Exs.A1 and A2. Therefore, basing on Exs.A1 and A2, this Court is inclined to fix the market value of the acquired land at Rs.80,000/- per acre.

Accordingly, both the appeals are allowed fixing the market value of the acquired land at Rs.80,000/- per acre. The claimants are

entitled for all the statutory benefits as per the amended Act. No order as to costs.

Miscellaneous petitions, if any, shall stand closed.

JUSTICE G. SRI DEVI

JUSTICE M.G. PRIYADARSINI

18.08.2022

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