

**THE HONOURABLE SRI JUSTICE N.V. RAMANA
AND
THE HONOURABLE SRI JUSTICE K.S. APPA RAO**

L.AA.S. Nos. 267 and 273 of 2008

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COMMON JUDGMENT: (Per NVR,J)

The Land Acquisition Officer-cum-Special Deputy Collector (L.A. Unit), PJP, Gadwal, Mahabubnagar District, filed the present appeals against the common order dated 22.10.2007 passed in O.P. Nos. 24 and 56 of 2003 by the Senior Civil Judge, Gadwal.

The facts, in nutshell, are that the lands of the respondents-claimants were acquired by the Government for public purpose, by issuing notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). After following the due procedure prescribed under the Act, the Land Acquisition Officer has passed awards fixing the market value at the rate of Rs. 38,000/- per acre for ID lands and Rs. 28,000/- per acre for dry lands. Dissatisfied with the compensation awarded by the Land Acquisition Officer, the claimants, having received the compensation under protest, sought reference of the matter to Civil Court, and accordingly the Land Acquisition Officer has referred the matter to the reference Court, under Section 18 of the Act, for determination of the market value of the acquired lands. On the reference being made, the respondents-claimants have filed claim statements, contending that the acquired lands are fertile and good yielding and are abutting National Highway No.7, that they used to raise commercial crops such as chillies, cotton, sunflower, paddy etc.

and get a net income of Rs. 20,000/- per acre, that the village in which the acquired lands are situated, has all amenities and is at a distance of one kilometer from Yerravalli X Roads, that there exist an Engineering College, Junior College, prominent Hanuman Temple and a tobacco company near the lands under acquisition, that all the lands in the village are either wet lands or ID lands but not dry lands, and the value of the lands in the village has been increasing rapidly. They claimed that the market value of the acquired lands be enhanced to Rs. 1,00,000/- per acre. The Land Acquisition Officer filed reply statement, supporting the awards passed by them, and prayed to reject the claim of the claimants.

Before the reference Court, P.Ws.1 to 5 were examined and Exs.A1 to A5 were marked on behalf of the respondents-claimants, while the Land Acquisition Officer was examined as R.W.1 and Ex.B1 was marked on behalf of the appellant-Land Acquisition Officer.

The reference Court, having considered the oral and documentary evidence adduced by the parties, fixed the market value of the acquired lands at Rs. 80,000/- per acre, based on Ex.A3 document, and also granted to the claimants, other statutory benefits as detailed in the order under appeals and accordingly answered the references, by the common order under appeals.

Learned Assistant Government Pleader for Appeals appearing for the appellant contended that the reference Court erred in placing reliance on Ex. A3 document for the purpose of fixing the market value of the acquired lands and she prayed for setting aside the order under appeals.

On the other hand, learned counsel appearing for the respondents- claimants supported the order under appeals and prayed for dismissal of the appeals.

We are unable to agree with the contention of the learned Assistant Government Pleader for Appeals that the reference Court erred in placing reliance on Ex.A3 document for the purpose of fixing the market value of the acquired lands. As can be seen from the order under appeal, the land covered by Ex.A3, which is situated at Kondair Village, was sold at the rate of Rs. 80,000/- per acre, on 03.11.1999, and the 4(1) notification in respect of acquisition of the present lands was issued on 02.12.1999. The sale transaction under Ex.A3 was also referred to by the Land Acquisition Officer in Ex.B1 award, at Sl.No.51. As per Ex.B1, the land sold under Ex.A3 is dry land. The lands under acquisition are also situated in Kondair Village and are classified as ID lands/dry lands. It was also admitted by the Land Acquisition Officer that the lands under acquisition abut National Highway No.7 and hence there would be demand for them. Having regard to the same and considering the fact that the lands covered by Ex.A3 and the lands acquired are of similar nature and situate in same village and the sale transaction under Ex.A3 and issuance of 4(1) notification having been taken place in the same year i.e. in 1999, we are of the considered opinion that the reference Court did not commit any error in considering the sale transaction under Ex.A3 as a comparable sale for the purpose of fixing the market value of the acquired lands and accordingly fixing the market value of the acquired lands at Rs. 80,000/- per acre. There are absolutely no grounds to interfere with

the order under appeal and the appeals fail.

The appeal suits are accordingly dismissed. No order as to costs.

JUSTICE N.V. RAMANA

JUSTICE K.S. APPA RAO

13th July, 2011
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