

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

L.A.A.S.No.205 OF 2006

JUDGMENT: (Per Hon'ble Dr.SA,J)

This appeal, under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act'), is filed by the Land Acquisition Officer-cum-Revenue Divisional Officer, aggrieved by the order and decree, dated 30.11.1996, passed in O.P.No.18 of 1991 by the learned Subordinate Judge, Vikarabad, Ranga Reddy District.

2. Heard the learned Government Pleader for Appeals appearing for the appellant and perused the record.

3. There is no representation for the respondents-claimants.

4. The facts of the case, in brief, are that the lands of the respondents-claimants admeasuring Ac.6-12 guntas in Survey Nos.139, 140 and 141, situated at Gattukesaram Village, were acquired by the Government under the provisions of the Act for the purpose of formation of Tank. Notification under Section 4(1) of the Act was issued on 03.05.1989. The Land Acquisition Officer, after conducting necessary enquiry, passed

an Award on 30.07.1990 granting compensation at Rs.4,500/- per acre for the lands acquired in Survey No.140 and Rs.5,000/- per acre for the lands acquired in Survey Nos.139 and 141. Not satisfied with the same, the respondents—claimants sought reference under Section 18 of the Act, which was tried in O.P.No.18 of 1991 by the learned Subordinate Judge, Vikarabad. The Court below, basing on the oral and documentary evidence on record, enhanced the compensation for the acquired lands to Rs.8,000/- per acre with all statutory benefits. Aggrieved by the same, the present appeal is filed by the Land Acquisition Officer-cum-Revenue Divisional Officer, Vikarabad.

5. The learned Government Pleader for Appeals would submit that the Court below, by placing reliance on Exs.A1 to A5, was pleased to enhance the compensation for the acquired lands from Rs.4,500/- per acre and Rs.5,000/- per acre to Rs.8,000/- per acre, which is excessive. The land covered under Exs.A1 and A2 are far away from the acquired lands. Further, small extent of land was sold under Ex.A2. Therefore, the Court below ought not have taken into consideration Exs.A1

and A2. Further, the Land Acquisition Officer, taking into consideration all the factors, was pleased to award compensation at Rs.4,500/- per acre for the lands in Survey No.140 and Rs.5,000/- per acre for the lands in Survey Nos.139 and 141. The Court below, without there being any cogent evidence on record, enhanced the compensation to Rs.8,000/- per acre for the lands acquired, which is erroneous and ultimately, prayed to set aside the impugned order and decree.

6. In view of the above, the points that arise for determination in this appeal are:

“1. Whether the enhancement of compensation from Rs.4,500/- per acre and Rs.5,000/- per acre to Rs.8,000/- per acre for the acquired lands is justified?

2. Whether the impugned order and decree, dated 30.11.1996, passed in O.P.No.18 of 1991 by the learned Subordinate Judge, Vikarabad, are liable to be set aside?”

POINTS:

7. As seen from the material placed on record, before the Court below, on behalf of the respondents-claimants, one of the claimants was examined as PW.1 and Ex.A1-true copy of Sale

Deed, dated 16.06.1986, Ex.A2-Sale Deed, dated 23.05.1986, and Exs.A3 to A5-certified copies of pahanies for the year 1989-90, were got marked. On behalf of the appellant, RW.1 was examined and Ex.B1-copy of the Award was marked. The subject land acquired is Ac.6-12 guntas in Survey Nos.139, 140 and 141, situated at Gattukesaram Village. The Court below, while enhancing the compensation, has placed reliance on Ex.A1-Sale Deed, dated 16.06.1986, by which, an extent of Ac.3-29 guntas of land in Survey No.61 situated in the same Village was sold for a consideration of Rs.24,000/-. As per the evidence of PW.1, the subject lands and the land covered under Ex.A1 are situated in the same Village. Further, the transaction under Ex.A1 is dated 16.06.1986, which is prior to the date of issuance of notification under Section 4(1) of the Act in the instant case i.e., 03.05.1989. Further, Ex.A3 demonstrates the ownership of the vendor under Ex.A1. The Court below, considering that the sale transaction under Ex.A1, so also the sale consideration paid thereunder, are genuine and that the lands acquired have potential value and crops are being raised therein, fixed the market value for the acquired lands at Rs.8,000/- per acre and accordingly, granted compensation

with all statutory benefits. The findings recorded by the Court below are based on the oral and documentary evidence on record and therefore, it cannot be said that the enhancement made is excessive. The impugned order does not suffer from any legal infirmity, so as to interfere with the same. Under these circumstances, the submissions made on behalf of the appellant do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

8. Accordingly, the appeal is dismissed confirming the order and decree, dated 30.11.1996, passed in O.P.No.18 of 1991 by the learned Subordinate Judge, Vikarabad, Ranga Reddy District.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 21.10.2022
MD