

THE HON'BLE JUSTICE G. SRI DEVI
AND
THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

L.A.A.S. No. 511 of 2010

JUDGMENT : (*per Justice G. Sri Devi*)

The *lis* in this appeal preferred by the Land Acquisition Officer-cum-Special Deputy Collector, Loc. Unit, S.R.S.P. Project, Pochampad, Nizamabad District, is directed against the order passed by the civil Court in the reference made under Section 18 of the Land Acquisition Act, 1894 (for short "the Act").

2. Upon the requisition of the Executive Engineer, Division No.2, Sriram Sagar Project, the Government has acquired the agricultural lands at Pochampally Village of Vailpur Mandal, Nizamabad District belonging to the respondents herein. The draft notification under Section 4 (1) of the Act was published on 04.03.2004 followed by notification under Section 6 of the Act. The Land Acquisition Officer passed an award, dated 06.12.2004 fixing the market value at Rs.25,000/- per acre. Not satisfied with the compensation determined by the Land Acquisition Officer, respondents/claimants sought reference

under Section 18 of the Act for enhancement of the compensation. The reference was registered as O.P.No.25 of 2005 in the Court of the Senior Civil Judge, Nizamabad. By an order, dated 26.03.2009, the learned Senior Civil Judge enhanced the market value from Rs.25,000/- per acre to Rs.75,000/- per acre and also granted all the other statutory benefits to the respondents/claimants i.e., 12% additional market value, solatium at 30% on the market value, interest etc., on the enhanced amount to extent of land acquired from them. Aggrieved thereby, the present appeal is filed by the Land Acquisition Officer.

3. Heard the Government Pleader for Appeals. Although the appeal pertaining to the year 2010 none appears on behalf of the respondents, we are constrained to dispose of the appeal basing on the material available on record.

4. As seen from the record, although the claimants claimed that the land is having potentiality to be sold at Rs.2,00,000/- per acre, they failed to adduce any evidence to show that the land in the vicinity was being sold at Rs.2,00,000/- per acre.

Such being the case and in the absence of any sale transactions produced by the claimants for the relevant period, the reference Court basing on G.O.Ms.No.56, dated 23.04.2002, wherein, in respect of dry land without any source of irrigation was fixed at Rs.75,000/- per acre, as suggested by the Lok Adalat, fixed the market value in respect of the acquired land at Rs.75,000/- per acre, which cannot be said to be exorbitant. Admittedly, the possession of the acquired land was taken on 04.05.1983 and whereas the notification was issued on 04.03.2004. In the light of the judgments of the Apex Court in ***R.L.Jain (D) by LRs v. DDA and others***¹ and ***Tahera Khotoon and others v. Revenue Divisional Officer***², the claimants are entitled to the benefit of 15% additional interest from the date of taking possession of the land till the date of publication of the preliminary notification.

5. In the above circumstances, the appeal is dismissed confirming the market value fixed by the reference Court in O.P.No.25 of 2005 in the Court of the Senior Civil Judge,

¹ (2004) 4 SCC 79

² (2014) 13 SCC 613

Nizamabad. However, the respondents-claimants are entitled to additional interest @ 15% per annum on compensation i.e., market value, additional market value and solatium from the date of taking over actual possession i.e., 04.05.1983 till the date of publication of notification i.e., 04.03.2004. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE G. SRI DEVI

JUSTICE M.G.PRIYADARSINI

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