

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
AND
THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA**

LAND ACQUISITION FIRST APPEAL NO: 564 OF 2006

Appeal under section 54 of L.A. Act against the order/decreed in OP NO.7 of
1995 dated 20/2/2006 on the file of the Court of the Principal Senior Civil Judge
Adilabad

Between:

Land Acquisition Officer, Mandal Revenue Officer, Kasipet.

...APPELLANT

AND

1. M. Sambaiah, DIED.
2. M. Digambara Chary, S/o Sambaiah R/o Mancherla.

...RESPONDENT

Counsel for the Appellant: GP FOR APPEALS

Counsel for the Respondents: None appeared

The Court made the following: JUDGMENT

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

L.A.A.S.No.564 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/Mandal Revenue Officer, Kasipet, aggrieved by the order and decree, dated 20.02.2006, passed in O.P.No.7 of 1995 by the learned Principal Senior Civil Judge, Asifabad.

2. Heard the learned Government Pleader for Appeals appearing for the appellant and perused the record.
3. In spite of service of notice, there is no representation for the respondent No.2-claimant.
4. Respondent No.1/claimant died *vide* cause title.
5. The facts of the case, in brief, are that the lands of the respondent No.1-claimant admeasuring Ac.3-11 guntas in Survey Nos.294 and 295, situated at Kasipet Village and Mandal, were acquired by the Government under the provisions of the Act for the purpose of providing house sites to weaker

sections of the society. Notification under Section 4(1) of the Act was issued on 25.05.1993. The Land Acquisition Officer, after conducting necessary enquiry, passed an Award on 19.02.1994 granting compensation at Rs.4,000/- per acre with all statutory benefits. Not satisfied with the same, the respondent No.1-claimant sought reference under Section 18 of the Act, which was tried in O.P.No.7 of 1995 by the learned Principal Senior Civil Judge, Asifabad. During pendency of the subject O.P., respondent No.1-claimant died and therefore, his legal representative was brought on record as respondent No.2-claimant. The Court below, basing on the oral and documentary evidence on record, enhanced the compensation for the acquired lands from Rs.4,000/- per acre to Rs.12,000/- per acre with all statutory benefits. Aggrieved by the same, the present appeal is filed by the Land Acquisition Officer/Mandal Revenue Officer, Kasipet.

6. The learned Government Pleader for Appeals would submit that without there being any evidence on record to prove that the market value of the subject lands is Rs.12,000/- per acre as on the date of issuance of the 4(1) notification, the

Court below enhanced the market value for the subject lands from Rs.4,000/- per acre to Rs.12,000/- per acre. Under Ex.B4-registration extract of Sale Deed No.1833/92, dated 01.07.1982, the lands therein were sold at Rs.3,500/- per acre. The Land Acquisition Officer, taking into consideration all the factors, was pleased to award compensation at Rs.4,000/- per acre for the subject lands. The Court below, without there being any cogent evidence on record, enhanced the compensation to Rs.12,000/- per acre for the lands acquired, which is excessive. In the facts and circumstances of the case, the Court below ought not have enhanced the compensation from Rs.4,000/- per acre to Rs.12,000/- per acre with all statutory benefits and interest thereon and ultimately, prayed to set aside the impugned order and decree and allow the appeal as prayed for.

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

- "1. Whether the enhancement of compensation from Rs.4,000/- per acre to Rs.12,000/- per acre for the acquired lands is justified?
2. Whether the impugned order and decree, dated 20.02.2006, passed in O.P.No.7 of 1995 by the learned

Principal Senior Civil Judge, Asifabad, are liable to be set aside?"

POINTS:

8. As seen from the material placed on record, the subject lands admeasuring Ac.3-11 guntas in Survey Nos.294 and 295, situated at Kasipet Village and Mandal, were acquired by the Government for the purpose of providing house sites to the weaker sections of the society. The subject lands are situated in an agency area. Therefore, generally there would be no registered sale deeds pertaining to the lands in the subject Village. The Court below had taken into consideration the sale transactions under Exs.A1 and A2-registered Sale Deeds, dated 12.05.1989, which took place in Peddanapalli Village, a neighbouring Village to Kasipet Village, for fixing the market value for the subject lands. The Court below had also taken into consideration the time gap between the issuance of subject 4(1) notification and the execution of Sale Deeds under Exs.A1 and A2. The Court below had also made an observation that if the sale transactions under Exs.A1 and A2 are taken into consideration, the value of the land even at Peddanapalli Village is at Rs.15,000/- per acre. The Village Kasipet is a Mandal

Head Quarter. The possession of the subject lands was taken by the Government in the year 1975 and the respondents-claimants were not enjoying the land since then. The Court below also recorded a specific finding that the sale deeds under Exs.A1 and A2 appears to be genuine. The Court below, by taking into consideration the evidence on record and on some guess work, enhanced the market value for the subject lands from Rs.4,000/- per acre to Rs.12,000/- per acre. The Court below also granted additional market value @ 12% per annum from the date of 4(1) notification i.e., 25.05.1993, till the date of Award i.e., 19.02.1994, or till the date of taking possession in the year 1975, whichever is earlier. The Court below also granted 30% solatium on the market value. The Court below also granted interest on the enhanced market value @ 9% for one year from the date of taking possession and thereafter @ 15% per annum till the enhanced amount is paid or deposited. In the facts and circumstances of the case, the splitting of interest, as indicated above, is justified and there are no circumstances to interfere with the same. 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. Under these circumstances, the impugned order does not suffer from any legal infirmity, so as to interfere with the same. The submissions made on behalf of the appellant do not merit consideration. The appeal is devoid of merit and is liable to be dismissed.

9. Accordingly, the appeal is dismissed confirming the order and decree, dated 20.02.2006, passed in O.P.No.7 of 1995 by the learned Principal Senior Civil Judge, Asifabad.

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

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge, Adilabad (with records)
2. Two CCs to the GP FOR APPEALS, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CD Copies

KKS

HIGH COURT

DATED:11/11/2022



JUDGMENT

LAAS.No.564 of 2006

**DISMISSING OF THE LAAS
WITHOUT COSTS**

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Bsh
20/3/23

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**FRIDAY, THE ELEVENTH DAY OF NOVEMBER
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1. M. Sambaiah, DIED.
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...RESPONDENT

Appeal under section 54 of L.A. Act against the order/decreed in OP NO.7 of 1995 dated 20/2/2006 on the file of the Court of the Principal Senior Civil Judge Adilabad

This appeal coming on for hearing and upon perusing the Memorandum of Appeal, the orders of the Lower Court and the material papers in the case, and upon hearing the arguments of GP FOR APPEAL Advocate for the Appellant and None appeared for the respondents

This Court doth order and decree as follows:

1. That the appeal be and hereby is dismissed
2. That the order and decree dated 20/2/2006 passed in O.P.NO.7 of 1995 by the learned principal Senior Civil Judge, Adilabad be and hereby is confirmed and
3. That there shall be no order as to costs in this appeal

**SD/- K.SRINIVASA RAO
JOINT REGISTRAR**

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HIGH COURT

DATED:11/11/2022

DECREE

LAAS.No.564 of 2006

**DISMISSING OF THE LAAS
WITHOUT COSTS**