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

L.A.A.S. Nos. 493 of 2011 and 270 of 2013

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

Since both these appeals arising out of common order and very same acquisition proceeding, they are heard together and being disposed of by this common judgment.

These two appeals are preferred by the Land Acquisition Officer challenging the common order and decree made in O.P. Nos.88 and 87 of 2009 respectively, dated 19.02.2010 on the file of the Senior Civil Judge, Wanaparthy in enhancing the market value of the acquired land from Rs. 2,300/- to Rs.53,240/- per acre.

The lands of the claimant situated in different survey numbers in the limits of Vengalaipally village of Pangal Mandal were acquired by the Government for the purpose of providing house sites to the backward caste of Vengalaipally village, by issuing draft notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') on 28.02.1992. After due enquiry, the Land Acquisition Officer passed an Award on 24.03.1992 fixing the market value of the acquired land at Rs.2,300/- per acre. Having received the compensation under protest, the claimants sought for reference to the civil Court under Section 18 of the Act seeking enhancement of compensation. Considering the evidence adduced by the parties, the reference Court has enhanced the market value of the acquired land as indicated above. Aggrieved thereby, the Land Acquisition Officer has preferred these two appeals.

The contention of the learned Government Pleader for Appeals is that without there being any evidence adduced by the claimant, the reference Court has erroneously enhanced the market value of the acquired land from Rs.2,300/- to Rs.53,240/- per acre. It is further contended that although the lands covered by Exs.P1 to P3, sale transactions pertaining to the year 1985, are not situated within the vicinity of the acquired lands, the reference Court has erroneously enhanced the market value basing on the said sale transactions. It is further contended that even the escalation of prices applied by the reference court basing on Exs.P1 to P3 is erroneous under law.

Per contra, the learned counsel appearing on behalf of the claimants has contended that the acquired lands are fertile, red soil and adjacent to the village and thus got potentiality to be used as house sites. It is further contended that the claimants used to get an annual yield of Rs.5,000/- to Rs.6,000/- per annum by raising commercial crops such as, ground nuts, tobacco, mirchi etc. It is lastly contended that since the lands covered by Exs.P1 to P3 are situated in the same survey number, which pertain to 1985, the reference Court, duly giving escalation to the time lag, has rightly fixed the market value of the acquired land basing Exs.P1 to P3.

Heard the learned Government Pleader for appeals and the learned counsel for the respondents. Perused the material available on record.

Before the reference Court, the claim of the claimants was that the value of the acquired land is not less than Rs.40,000/- to Rs.50,000/- per acre. In order to support their claim, they have examined PWs.1 to 3 and marked Exs.P1 to P3. The sale transactions covered by Exs.P1 and P2 pertain to same survey number but however, they relate to 1985. PW2 the purchaser under Ex.P1 has categorically deposed that she has purchased the land from PW1 to an extent of 242 sq. yds., at Rs.8/- per sq. yd. So also, PW3 deposed that she has purchased the plot admeasuring 242 sq. yds at Rs.8/- per sq. yd. Both the lands are situated in survey number 246 in which the acquired lands are also situated. It is their evidence that originally they purchased the lands covered by Exs.P1 and P2 at Rs.25/- per square yard. Thus, their evidence goes to show that the value of the acquired land is not less than Rs.8/- per sq. yd. and they are being used as house sites. Basing on the said evidence and duly giving 10% escalation to the sale price covered by Exs.P1 and P2, the reference Court has rightly enhanced the market value from Rs.2,300/- to Rs.53,240/- per acre (which works out to Rs.11/- per square yard). The said enhancement made by the reference Court is just and reasonable considering the evidence adduced by the claimants, more particularly Exs.P1 and P2. Therefore, this Court is not inclined to interfere with the order under appeal.

Accordingly, both the appeals stand dismissed confirming the common order of the reference Court, dated 19.02.2010 in O.P. Nos.88 and 87 of 2009. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE G. SRI DEVI

JUSTICE M.G. PRIYADARSINI

Date: 18.08.2022
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