

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

FRIDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA**

LAND ACQUISITION FIRST APPEAL NO: 56 OF 2019

Appeal filed under Section 54 of the Land Acquisition Act, 1894,
against the Judgment and Decree dated 29.08.2017, passed in OP.No.67 of 2005
on the file of the Senior Civil Judge, Nalgonda.

Between:

The Land Acquisition Officer, R.D.O., Nalgonda

...

APPELLANT

AND

1. Kondakindi Sadasiva Reddy, S/o.Lachi Reddy, Age not known,
R/o.Cherlapally Village of Nalgonda Mandal and District
2. Anthati Yadaiah, S/o.Buchi Ramulu, R/o.Cherlapally Village of Nalgonda
Mandal and District
3. Guntoju Panduranga Chary, S/o.Narayana, R/o.Cherlapally Village of
Nalgonda Mandal and District
4. Baddam Ramulu, S/o.Lingaiah, R/o.Cherlapally Village of Nalgonda Mandal
and District
5. Akavaram Shambu Prasad, S/o.Thwasta Chary, R/o.Cherlapally Village of
Nalgonda Mandal and District
6. Pisike Pandari, S/o.Seetha Ramulu, R/o.Cherlapally Village of Nalgonda
Mandal and District
7. Rapolu Devkamma, W/o.Yadagiri, R/o.Cherlapally Village of Nalgonda
Mandal and District
8. Musku Anuradha, W/o.Anantha Reddy, R/o.Cherlapally Village of Nalgonda
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9. Meka Pedda Malla Reddy, S/o.Sura Reddy, R/o.Cherlapally Village of
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11. Gopireddy Neelamma, W/o.Krishna Reddy, R/o.Cherlapally Village of Nalgonda Mandal and District
12. Basani Venkatesh, S/o.Ramachandraiah, R/o.Cherlapally Village of Nalgonda Mandal and District
13. Pabbathireddy Venkat Reddy, S/o.Raja Malla Reddy, R/o.Cherlapally Village of Nalgonda Mandal and District
14. Utkuri Bhupathi Reddy, S/o.Dharma Reddy, R/o.Cherlapally Village of Nalgonda Mandal and District

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RESPONDENTS

IA NO: 2 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay the execution of the judgment and decree Dated 29.08.2017 passed in O.P.No.67 of 2005 by the Hon'ble Senior Civil Judge, Nalgonda.

Counsel for the Appellant : GP FOR APPEALS

Counsel for the Respondents 2 to 5 & 7 to 11 : SRI J. SURESH BABU

The Court delivered the following: JUDGMENT

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA**

L.A.A.S.No.56 of 2019

JUDGMENT: *(per Hon'ble Smt. Justice Tirumala Devi Eada)*

This appeal, under Section 54 of the Land Acquisition Act, 1894, (for short 'the Act') is preferred by the Land Acquisition Officer, RDO, Nalgonda, aggrieved by the order and decree dated 29.08.2017 passed in LAOP No.67 OF 2005 by the learned Senior Civil Judge at Nalgonda (hereinafter referred to as 'the Reference Court').

2. For convenience and clarity, the parties herein are referred to as they were arrayed before the Reference Court.

3. The facts of the case in brief are that the Government has acquired 3090 Sq.yards at Cherlapally village for forming bypass road from Narketpalli to Addanki. After due enquiry, the Land Acquisition Officer (LAO) has awarded a compensation of Rs.15,400/- per acre, apart from the other statutory benefits. Aggrieved by the said award, the claimants have filed a petition for reference and the same was referred under Section 18 of the Act to the Court of Senior Civil Judge at Nalgonda.

4. The case of the claimants is that their lands would fetch more than Rs.2,000/- per sq.yard as the prevailing market value rate is at Rs.2,000/- per square yard in the locality and that their land has high potential for development, that it is abutting the road leading from Nalgonda to Hyderabad. Their land is suitable for house sites and there is heavy demand for land for establishing industries. It is their further case that a housing colony is also situated by the side of acquired land and hence, they sought for enhancement of compensation.

5. The Reference Court has framed the following point for consideration:

"Whether the claimants are entitled for enhancement of compensation at the rate claimed in the statement?"

6. At the time of trial, the claim petitioners got examined PWs 1 and 2 and got marked Exs.P1, P2 and X1 and X2. On behalf of the respondent, no witness was examined and no documents were marked.

7. Based on the evidence on record, the reference Court has enhanced the compensation to Rs.100/- per square yard, apart

from the statutory benefits. Aggrieved by the said enhancement, the LAO has preferred the present appeal.

8. Heard the submissions of learned Government Pleader for the appellant and Sri J.Suresh Babu, learned counsel for the respondents.

9. The learned Government Pleader has submitted that the reference Court has enhanced the compensation without there being any basis. He further argued that the reference Court erred in enhancing the compensation payable in respect of the acquired land, which is 30 times more than that is granted by the LAO and the same is highly excessive. He further contended that the sale deeds i.e. Exs.P1 and P2 are not at all comparable to the land acquired either in potentiality or extent, therefore, he prayed to set aside the same.

10. The learned respondent counsel, on the other hand, has submitted that the lands of the claimants would fetch more in the locality and that their land has high potential for development and that it is abutting the road leading from Nalgonda to Hyderabad. He further argued that the land is suitable for house sites and there is heavy demand for land for establishing industries and hence, they

sought for enhancement of compensation. He further argued that the reference Court failed to see that in survey No.84, the land was acquired for the same purpose and it was fixed at Rs.300/- per square yard but the reference Court has failed to award the same.

11. Considering the above rival contentions, this Court frames the following points for consideration:

1. Whether the compensation granted by the reference Court is just and reasonable?
2. Whether the order and decree of the reference Court need any interference?
3. To what relief?

12. **POINT NO.1:**

- a) The contention of the appellant is that the reference Court has enhanced the compensation by thirty times without any basis.
- b) It is the grievance of the claimants that in survey No.84, the land was acquired for the same purpose and it was fixed at Rs.300/- per square yard but the reference Court has failed to award the same.

c) A perusal of the award copy of the LAO under Ex.X1 reveals that he has discarded several sale deeds on the ground that some lands are far away from the acquired land and other lands are located in different survey numbers. PW2 has admitted that the land in survey No.84 is adjacent to the present land under acquisition. Ex.X1 pertains to the land acquired at Cherlapalli, while Ex.X2 pertains to the award passed in respect of the land acquired at Marrigudem.

d) A perusal of Ex.X2 shows that the LAO has passed the award by negotiating with the claimants and after settlement with the land holders and interested persons, the government has entered into an agreement and fixed the compensation @ Rs.300/- per square yard for the lands in survey No.84 and Rs.70/- per square yard for the lands in survey Nos.85 and 86, by deducting 53% on market value, the compensation was fixed at Rs.141/- per square yard for the land in survey No.84, Rs.32.90/- per square yard in survey Nos.85 and 86. Thus, neither the capitalization method nor comparable sales method was followed by the LAO while passing the award under Ex.X2. Thus, it is elicited that on negotiation, the award was passed on yardage basis in survey No.84 under Ex.X2, while it was fixed as Rs.15,400/- per acre in the

present case. When the acquisition is with regard to the adjacent lands, such a discrepancy in the compensation is not just and proper.

e) The documents under Exs.P1 and P2 are the sale deeds which disclose that the prevailing market value in the locality is much higher than the compensation fixed by the LAO. In Ex.P1, the property in survey No.84 was sold @ Rs.800/- per square yard, while under Ex.P2, the land was sold at Rs.950/- per square yard in survey No.84. Considering the difference in prices between survey Nos.84, 85 and 86 and also considering the fact that the land acquired is adjacent to survey No.84, the reference Court has awarded Rs.100/- per square yard, which is just and reasonable.

f) Therefore, when the adjacent land is awarded compensation on yardage basis, it would be just and reasonable to award on the same basis to the present acquisition also. Thus, considering the evidence on record, the reference Court has awarded Rs.100/- per square yard, apart from statutory benefits, which is found to be just and reasonable. Point No.1 is answered accordingly.

13. **POINT NO.2:**

In view of the reasoned finding arrived at Point No.1, this Court holds that the order and decree of the reference Court do not need any interference.

14. **POINT NO.3:**

In the result, the appeal is dismissed upholding the order and decree dated 29.08.2017 passed in LAOP No.67 OF 2005 by the learned Senior Civil Judge at Nalgonda. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Sd/- A.V.S. PRASAD
DEPUTY REGISTRAR

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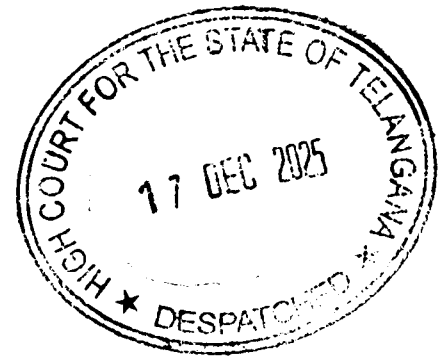
SECTION OFFICER

To,

1. The Senior Civil Judge, Nalgonda. (With records, if any)
2. One CC to SRI. GP FOR APPEALS (TG) Advocate [OPUC]
3. One CC to SRI. J. SURESH BABU, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

DATED:29/08/2025



JUDGMENT

LAAS.No.56 of 2019

DISMISSING THE APPEAL

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

**FRIDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA**

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... **RESPONDENTS**

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against the Judgment and Decree dated 29.08.2017, passed in OP.No.67 of 2005
on the file of the Senior Civil Judge, Nalgonda.

ORDER: This appeal coming on for hearing and upon perusing the grounds
of appeal, the Judgment and Decree of the Lower Court and the material papers
in the Petition and upon hearing the arguments of Government Pleader for the
Appellant and of Sri J. Suresh Babu, Advocate for the Respondents.

That this Court doth Order and Decree as follows:

1. That this Appeal is be hereby dismissed upholding the Order and
Decree dt.29.08.2017 passed in LAOP.No.67 of 2005 by the Senior
Civil Judge, Nalgoda.
2. That there shall be no order as to costs.

**Sd/- A.V.S. PRASAD
DEPUTY REGISTRAR**

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SECTION OFFICER

To,

1. The Senior Civil Judge, Nalgonda.
2. Two CD Copies.



HIGH COURT

DATED:29/08/2025

JUDGMENT

LAAS.No.56 of 2019

DISMISSING THE APPEAL

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