

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

**THURSDAY, THE FOURTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

FIRST APPEAL NO: 2719 OF 2004

Appeal filed under Section 54 of the Land Acquisition Act, 1894, against the Judgment and Decree in O.P.NO.237/1987, Dt.30/12/2003 on the file of the of the learned II Addl. Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

Between:

The Land Acquisition Officer,, HUDA, Hyderabad.

...

APPELLANT

AND

1. S. Janga Reddy, S/o Muthyam Reddy (Died per LRs 3 & 4)
2. S. Dan Reddy, S/o Muthyam Reddy (Died per LRs 5 to 7) Agriculture R/o Champapet Village, Saroornagar, Mandal, Rangareddy District.
3. S. Laxamma, W/o Late Janga Reddy Housewife R/o Champapet Village, Saroornagar, Mandal, Rangareddy District.
4. S. Babruwanaha Reddy, S/o Late Janga Reddy Student R/o Champapet Villlage, Saroornagar Mandal, Rangareddy District.
5. S. Jagan Reddy, S/o Late Dhan Reddy R/o Champapet Villlage, Saroornagar Mandal, Rangareddy District.
6. S. Narsimha Reddy, S/o Late Dhan Reddy Employee R/o Champapet Villlage, Saroornagar Mandal, Rangareddy District.
7. S. Shiva Reddy, S/o Late Dhan Reddy Employee R/o Champapet Villlage, Saroornagar Mandal, Rangareddy District.

R.R.NO.3 & 5 Dismissed as abated and R-4 dismissed for default vide C.O.dt.02.03.2015.

...RESPONDENTS

I.A. NO: 1 OF 2004(ASMP. NO: 12099 OF 2004)

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 all further proceedings including the execution of the decree passed in O.P.NO.237/1987 dated 30.12.2003 on the file of the II Addl.SCJ, R.R. District pending disposal of the above Appeal.

Counsel for the Appellant : GP FOR APPEALS

Counsel for the Respondents: NONE APPEARED

The Court delivered the following: JUDGMENT

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

APPEAL SUIT No.2719 of 2004

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, Hyderabad Urban Development Authority, Hyderabad, aggrieved by the order and decree dated 30.12.2003 passed in O.P.No.237 of 1987 by the learned II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar (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 land to an extent of Ac.0-14 guntas situated at Sultanvala Village was acquired for the purpose of formation of inner ring road. The draft notification under Section 4(1) of the Act was published in the gazette on 27.04.1983 and the possession was taken over on 07.07.1983. After conducting due enquiry and after considering the sales statistics the Land Acquisition Officer (LAO) has fixed the rate at 10/- per square

yard and after deducting $1/3^{\text{rd}}$ towards the layout losses, the value of the land was fixed @ 6.67/- per square yard and also fixed the value for structures in the acquired land. Aggrieved by the said award, the claimants have made an application and the same was referred under Section 18 of the Act to the Court of II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar.

4. The case of the claimants is that the LAO has not granted them the entire compensation while deducting $1/3^{\text{rd}}$ and that the LAO has not considered the prevailing market value which is very high and that their lands fetch more value than that fixed by the LAO.

5. The LAO has filed counter stating that after inspection of the sale deeds, he has correctly fixed the value @10/- per square yard and after deducting the layout lossess, the value was fixed at Rs.6.67/- per square yard and that it is just and proper to award the said compensation to the claimants.

6. Based on the above pleadings, the Reference Court has framed the following point for consideration:

"Whether the market value fixed by the Land Acquisition Officer at the rate of Rs.6.67 ps per square yard is just and proper if not what is the market value to be fixed?"

7. At the time of trial, the claimants got examined PWs 1 to 3 and got marked Exs.C1 to C4. On behalf of the LAO, RW1 was examined and Exs.B1 to B4 were marked. Based on the evidence on record, the trial Court has enhanced the compensation to Rs.20/- per square yard and that for the structures they are entitled to 20% over and above the rate fixed by the LAO, apart from awarding the statutory benefits. Aggrieved by the said order, the present appeal is preferred by the LAO.

8. Heard the submissions of learned Government Pleader for the appellant. He submitted that the reference Court ought not to have enhanced the compensation to the extent of Rs.20/- when the LAO has rightly granted the compensation based on the evidence on record. He has considered all the sales statistics and has fixed the prevalent market value to the acquired lands and thus, the reference Court ought not to have enhanced the same. He therefore, prayed to set aside the orders passed by the reference Court. However, he fairly conceded that 1/3rd deduction is permissible only in the cases where the land is acquired for house sites, while in this case the land is acquired for ring road, still the LAO has deducted 1/3rd.

9. Based on the above submissions, 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?

10. **POINT NO.1:**

a) The case of the appellant is that the enhancement made by the reference Court is not just and proper.

b) A perusal of the record reveals that the LAO has referred to the sales statistics and has fixed the market value by considering Rs.10/- per square and has further deducted $1/3^{\text{rd}}$ and has awarded Rs.6.67 per square yard. It is pertinent to note that the land acquired is for the purpose of laying ring road but not for house sites, therefore, the $1/3^{\text{rd}}$ deduction made by the LAO is not just and proper.

c) With regard to the amount fixed, a perusal of the award copy filed under Ex.C1/B3 reveals that the LAO has referred to the sale statistics available in the area, it is mentioned at page No.10 of the award that there are the sales in Sy.No.311/1 wherein 500 Sq.yards

was sold @Rs.20/- per square yard. But the LAO has discarded the said statistics stating that they are at a distance of around 2 to 3 furlongs from the acquired land. Though he has observed that the nature of the land in these Sy.Nos.311/1 and 311/2 is the same as that of the lands under acquisition as both are dry lands and are fit for housing plots but he has discarded saying that the land under acquisition is somewhat interior to that under the sales statistics referred above. Hence, he has fixed the value as Rs.10/- per square yard and further deducted $1/3^{\text{rd}}$.

d) Considering the documentary evidence on record, the reference Court by taking into consideration the sale statistics referred at page No.10 by the LAO, which is also filed under Ex.C1/B3, has rightly fixed the compensation to be Rs.20/- per square yard. Therefore, it is held that the claimants are entitled to enhancement of compensation as awarded by the reference Court. Point No.1 is answered accordingly.

11. **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.

12. **POINT NO.3:**

In the result, the appeal is dismissed upholding the order and decree dated 30.12.2003 passed in O.P.No.237 of 1987 by the learned II Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Sd/- L. LAKSHMI BABU
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The II Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar, Hyd.
2. One CC to GP FOR APPEALS, High Court, Hyderabad.[OPUC]
3. Two CD Copies
PSL

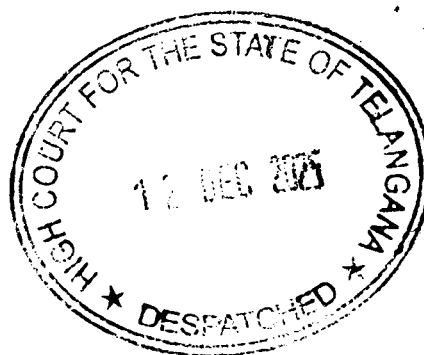
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HIGH COURT

DATED:14/08/2025

JUDGMENT

AS.No.2719 of 2004



DISMISSING THE APPEAL

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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 Appellant and none appeared for the Respondents.

This Court doth Order and Decree as following:

1. That this court dismissed the appeal and confirmed the judgment and decree of the Lower Court.
2. That there shall be no order as to costs.

**Sd/- L. LAKSHMI
BABU
DEPUTY REGISTRAR**

To

1. The II Additional Senior Civil Judge, Ranga Reddy District at L.B. Nagar, Hyd
2. Two CD Copies

PSL



HIGH COURT

DATED:14/08/2025

DECREE

AS.No.2719 of 2004

DISMISSING THE APPEAL

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