

www.ecourtsindia.com

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI
AND
THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

L.A.A.S.NO. 31 OF 2017

www.ecourtsindia.com

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the
Judgment and Decree made in O.P.No.22 of 2009 Dated 18.03.2013 on the file of
the Court of the Senior Civil Judge at Narayanpet, Mahabubnagar District.

Between:

1. Kurva Narsimhulu, S/o. Kurva Linganna
2. Shiva Lingappa, S/o. Sabeena
3. Mallappa, S/o. Sabeena
4. B. Nagaraju, S/o. Narsimhulu
5. P. Shiva Reddy, S/o. Vasa Reddy
6. G. Sarojha, W/o. Chinna Ashi Reddy,
7. Keshavulu, S/o. Gangappa
8. Manjunath, S/o. Vasanth
9. Balari Hanumanthu, S/o. Laxmanna
10. Jagan Srisailam, S/o. Gaddaiah,
11. Narayana Reddy, S/o. Tai Reddy
12. G. Anji Reddy, S/o. Ammanna
13. Parigi Srikanth Reddy, S/o. Anjanna
14. P. Arigi Jaipal, S/o. Gopal
15. Kurva Mallappa, S/o. Ammanna
16. Srikanth, S/o. Gangappa,

All are Occ: Agriculture, R/o. Dadanpally, H/o. Anugonda Village, Makthal
Mandal, Mahabubnagar District.

...APPELLANTS/CLAIMANTS

AND

The Special Deputy Collector, Land Acquisition Officer, PJP, Gadwal,
Mahabubnagar District.

...RESPONDENT/RESPONDENT

Counsel for the Appellants : SRI. S VENKATESHWAR REDDY

Counsel for the Respondent : SRI D KIRAN AGP FOR APPEALS

The Court made the following: JUDGMENT

THE HON'BLE JUSTICE G. SRI DEVI

AND

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

L.A.A.S.No.31 of 2017

COMMON JUDGMENT : (per Justice G. Sri Devi)

This appeal is preferred by the claimants seeking enhancement of compensation awarded by the Senior Civil Judge at Narayanpet (hereinafter referred to as "the reference Court") in L.A.O.P.No.22 of 2012 dated 18.03.2013. By the impugned order, the reference Court has awarded the market value for the houses/structures of the claimants one more time (1+1) than what was awarded by the Land Acquisition Officer in Award No.24 of 2011 dated 16.06.2011.

2. The houses and structures of the claimants, situated in Dadanpally Village, were acquired by the Government for the purpose of submergence under Priyadarshini Joorala Project, by issuing draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") on 08.06.2009. After due enquiry, the Land Acquisition Officer has passed an award on 16.06.2011 fixing compensation for houses, structures and open places on the basis of prevailing rates as on the date of notification relying upon the valuation fixed by the requisition authority, Irrigation Department. The claimants having received the compensation under protest, sought for reference to the civil Court under Section 18 of the Act, seeking

enhancement of compensation. By the impugned order, the reference Court has enhanced the market value one time more (1+1) than what was awarded by the Land Acquisition Officer. Seeking further enhancement of compensation, the claimants preferred the present appeal.

3. Heard the learned counsel for the appellants/claimants and Sri D.Kiran, learned Assistant Government Pleader for Appeals. Perused the material available on record.

4. The main contention of the learned counsel for the claimants is that even under the Government Orders i.e., G.O.Ms.No.234, dated 15.10.1993, marked as Ex.A5, the Government has passed orders granting compensation 1+2 times for the houses/structures acquired in respect of Srisailam Project. It is submitted that inasmuch as the present acquisition of the houses/structures of the claimants was also for the purpose of irrigation project i.e., Priyadarshini Joorala Project, Ex.A5 is equally applies to the case of the claimants and therefore, the learned counsel seeks to enhance the market value of the acquired land 1+2 times than what was awarded by the L.A.O.

5. The Assistant Government Pleader for Appeals would submit that the G.O. covered by Ex.A5 was issued in respect of Srisailam project and whereas the present acquisition pertains to Priyadarshini

Joorala Project, for which no specific G.O. was issued by the Government and therefore, Ex.A5 cannot be taken into consideration. He further submits that as seen from Ex.A1, the reference Court, in respect of earlier acquisition in O.P.No.611 of 1999, has enhanced the market value by one time more than the value fixed by the L.A.O. As seen from Ex.A2, this Court in A.S.No.3375 of 2000 has confirmed the market value fixed in Ex.A1.

6. A perusal of the record discloses that the Government has issued orders on 15.10.1993, which was marked as Ex.A5, ordering for enhancement of compensation two times more (1+2) than the value fixed by the L.A.O., in respect of the acquisition of structures that were acquired for the purpose of Srisailam Project. It is the contention of the learned Assistant Government Pleader that this project is entirely different one and the said G.O. covered by Ex.A5 which was issued for Srisailam project cannot be applied in the absence of any specific G.O. issued for the present project. This Court is not inclined to accept the said contention for the reason that the present acquisition proceedings also pertains to irrigation purpose.

7. It is relevant to refer clause (ii) of Ex.A5, which specifies that "*the market value of the structures including well which has been treated as structure by the Land Acquisition Officer in his award; and house sites*

shall be fixed at three times the value (1+2) determined by the Land Acquisition Officers." Even though Ex.A5 pertains to the acquisition proceedings in respect of Srisailam Project, the benefit thereof cannot be denied to the present appellants on the mere ground that the present proceedings pertaining to a different project. After all, both the acquisition proceedings are for the purpose of irrigation projects. Therefore, basing on Ex.A5 this Court is inclined to enhance the market value by two more times than the value fixed by the L.A.O.

8. In the result, the appeal is allowed enhancing the market value by two more times (1+2) than the value fixed by the L.A.O. with all other consequential benefits as stipulated under the amended Act. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- K SRINIVASA RAO
JOINT REGISTRAR
SECTION OFFICER

To,

1. The Senior Civil Judge at Narayanapet, Mahabunagar District
2. One CC to Sri S.Venkateshwar Reddy, Advocate (OPUC)
3. Two CCs to G.P for Appeals High Court for the State of Telangana at Hyderabad (OUT)
4. Two CD Copies
5. One Spare Copy

ks

HVS

HIGH COURT

DATED:22/09/2022



JUDGMENT

LAAS.No.31 of 2017

**Allowing the L.A.A.S.
Without costs.**

⑦
29/10/22
7/24

www.ecourtsindia.com

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE JUSTICE G SRI DEVI
AND
THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

L.A.A.S.NO. 31 OF 2017

Between:

1. Kurva Narsimhulu, S/o. Kurva Linganna
2. Shiva Lingappa, S/o. Sabeena
3. Mallappa, S/o. Sabeena
4. B. Nagaraju, S/o. Narsimhulu
5. P. Shiva Reddy, S/o. Vasa Reddy
6. G. Sarojha, W/o. Chinna Ashi Reddy,
7. Keshavulu, S/o. Gangappa
8. Manjunath, S/o. Vasanth
9. Balari Hanumanthu, S/o. Laxmanna
10. Jagan Srisailam, S/o. Gaddaiah,
11. Narayana Reddy, S/o. Tai Reddy
12. G. Anji Reddy, S/o. Ammanna
13. Parigi Srikanth Reddy, S/o. Anjanna
14. P. Arigi Jaipal, S/o. Gopal
15. Kurva Mallappa, S/o. Ammanna
16. Srikanth, S/o. Gangappa,

All are Occ: Agriculture, R/o. Dadanpally, H/o. Anugonda Village, Makthal
Mandal, Mahabubnagar District.

...APPELLANTS/CLAIMANTS

AND

The Special Deputy Collector, Land Acquisition Officer, PJP, Gadwal, Mahabubnagar
District.

...RESPONDENT/RESPONDENT

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the
Judgment and Decree made in O.P.No.22 of 2009 Dated 18.03.2013 on the file of
the Court of the Senior Civil Judge at Narayanpet, Mahabubnagar District.

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
case and upon hearing the arguments of Sri S.Venkateswara Reddy, for the
Appellant and of G.P for Appeals, Advocate for the Respondent.

This Court doth Order and Decree as follows :

1. That the appeal be and hereby is allowed enhancing the market value by two
more times (1+2) than the value fixed by the L.A.O with all other
consequential benefits as stipulated under the amended Act.

2. That there shall be no order as to costs in this appeal.

//TRUE COPY//

SD/-K.SRINIVASA RAO
JOINT REGISTRAR


SECTION OFFICER

To,

1. The Senior Civil Judge, Narayanpet, Mahabubnagar District
2. Two CCs to G.P for Appeals High Court for the State of Telangana at Hyderabad (OUT)
3. Two CD Copies



HIGH COURT

DATED:20/09/2022

DECREE

LAAS.No. 31 of 2017

**ALLOWING THE L.A.A.S
WITHOUT COSTS.**