

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

APPEAL SUIT No.4173 of 2004

JUDGMENT : (per Hon'ble Sri Justice R.Subhash Reddy)

This appeal, under Section 54 of the Land Acquisition Act, 1894, is filed by the Land Acquisition Officer/Special Deputy Collector, Sriram Sagar Project, Warangal, aggrieved by the order and decree dated 22.07.2003 in L.A.O.P.No.53 of 1999 passed by the Principal Senior Civil Judge, Warangal, whereby compensation for the subject land was enhanced from Rs.24,000/- to Rs.45,000/- per acre along with all other statutory benefits.

2. An extent of Acs.17.30 guntas of land situated at Gori Kothapally Village of Regonda Mandal, Warangal District, belonging to the respondents/claimants, who are 26 in number, was acquired for the purpose of excavation of main canal of DBM-38 under Sriram Sagar Project. A draft Notification under Section 4(1) of the Land Acquisition Act, 1894 (for brevity "the Act") was issued on 3.3.1997. The Land Acquisition Officer, after conducting necessary enquiry, passed Award dated 31.7.1997, fixing compensation for the subject land at Rs.24,000/- per acre.

3 . Not satisfied with the same, the respondents/claimants sought reference under Section 18 of

the Act, which was tried in O.P.No.53 of 1999 by the learned Principal Senior Civil Judge, Warangal.

4. Before the reference Court, in support of their claim for compensation of Rs.1,50,000/- per acre, P.Ws.1 to 3 were examined and Exs.A.1 to A.4 were marked. On behalf of the referring officer, the Special Deputy Collector was examined as R.W.1 and Exs.B.1 and B.2, copies of the Award and Award proceedings dated 31.7.1997, respectively, were marked.

5. The reference Court, having considered the oral and documentary evidence on record, mainly relying on Exs.A.1 and A.2, certified copies of judgment and decree dated 12.12.2000 in O.P.No.5 of 1999, fixed compensation for the subject land at Rs.45,000/- per acre. Aggrieved by the same, the present appeal is filed by the Land Acquisition Officer.

6. It is contended by the learned Government Pleader for Appeals that though there is no evidence on record, the reference Court has enhanced the compensation from Rs.24,000/- to Rs.45,000/- per acre without assigning any reason.

7. On the other hand, it is contended by the learned counsel for respondents/claimants that the subject lands are fertile agricultural lands, which are being used for raising commercial crops like chillies, ground nut, cotton etc., and the market value of the said lands is not less than Rs.1,50,000/- per acre. It is submitted that as there were no comparable

sales pertaining to the lands of the same village, the respondents/claimants have placed reliance on Exs.A.1 and A.2, under which the compensation for acquisition of the land in the adjoining village was fixed by the reference Court at Rs.45,000/- per acre. Therefore, the compensation fixed by the reference Court for the subject land at Rs.45,000/- per acre is just and reasonable and the impugned order does not call for any interference.

8. Having heard learned counsel for the parties, we have perused the impugned order and the material available on record.

9. From the evidence on record, it is clear that the Notification for acquisition of lands situated at Sultanpur Village, covered by Exs.A.1 and A.2, and also the subject lands situated at Gori Kothapally Village was issued on 3.3.1996. In respect of the lands covered by Exs.A.1 and A.2, the reference Court fixed compensation at Rs.45,000/- per acre. It is also clear that both Gori Kothapally and Sultanpur are adjoining villages. Further, it was clearly deposed by P.Ws.1 and 2, who are claimant Nos.18 and 10, respectively, in the present O.P., and P.W.3, who is claimant No.16 in O.P.No.5 of 1999, that the subject lands are fertile agricultural lands, which are being used for raising commercial crops like chillies, ground nut, cotton etc., and they used to get annual income of Rs.40,000/- per acre.

10. It is well settled that when there are no comparable

sale transactions available in respect of the lands belonging to the same village, the sale transactions of the lands belonging to the adjoining villages can be taken as the basis for fixing compensation. In view of the evidence on record that Gori Kothapally and Sultanpur are adjoining villages having the lands with same fertility and potential value, and further, for acquisition of the lands situated at Sultanpur Village, the reference Court fixed compensation at Rs.45,000/- per acre under Exs.A.1 and A.2, we are of the view that fixation of compensation for the subject lands at Rs.45,000/- per acre is just and reasonable and the same is in conformity with the evidence on record. Therefore, we do not find any merit in this appeal so as to interfere with the impugned order passed by the reference Court.

11. Accordingly, this appeal is dismissed. As a sequel, miscellaneous petitions pending, if any, in this appeal shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

11.09.2014.

Msr

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