

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
: HYDERABAD

THURSDAY, THE FIFTEENTH [15TH] DAY OF APRIL,
TWO THOUSAND AND TEN

Present:

THE HON'BLE SRI JUSTICE A.GOPAL REDDY
&
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

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A.S.No.264 of 2000
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Between:

The Special Deputy Collector (LA), H.L.C.,
Anantapur

... Appellant

And:

Mundlapati Aravinda

... Respondent

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HON'BLE SRI JUSTICE A.GOPAL REDDY
AND
HON'BLE SRI JUSTICE G.V.SEETHAPATHY
AS No.264 of 1999

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JUDGMENT: [Per AGR, J]

This appeal, under Section 54 of the Land Acquisition Act, 1894, by the Land Acquisition Officer cum Special Deputy Collector, HLC, Anantapur, directed against the order dated 15.09.1989 of the learned Principal Senior Civil Judge, Ananthapur passed in OP No.160 of 1988 wherein, the reference Court enhanced the compensation for the acquired land at Rs.6,000/- per hectare (2.50 cents) as against Rs.1,650/- per hectare, awarded by the Land

Acquisition Officer.

2. The Land Acquisition Officer fixed the market value at the rate of Rs.4,075/- per hectare or Rs.1,650/- per acre. It is not disputed that 9.075 hectares of land [Ac.22.42 cents] belongs to the respondent-claimant situated in Mylarampalli village were acquired for the purpose of fore shore submersion of PABR dam, by publishing 4(1) notification in the Gazette on 15.5.1986. The Land Acquisition Officer after following the procedure, passed award No.23/88 on 20.06.1988 by fixing the market value at Rs.4,075/- per hectare i.e., Rs.1,650/- per acre. The claimant received compensation under protest and requested to refer the matter to the civil Court under Section 18 of the Land Acquisition Act. On receipt of the notices, the claimant filed claim statement.

3. In order to prove the market value, the claimant examined himself as PW.1 and also another witness as PW.2 and marked Ex.A.1 registration copy of the sale deed dated 01.05.1989. On behalf of the referring Officer, except award under Ex.B.1 and proceedings under Ex.B.2, no other oral evidence has been adduced.

4. PW.1 who is the claimant deposed that he was cultivating the land by raising groundnuts and getting yield of 10 bags per acre every year and the value of the land is more than Rs.20,000/- per acre on the date of acquisition. He further deposed that one Vadde Anjineya and Anjinamma purchased an extent of Ac.6.20 cents of land under Ex.A.1 for Rs.43,506/- which is similar in nature and hence, he is entitled to Rs.10,000/- per acre.

5. Admittedly, the above sale deed Ex.A.1 is three years after issuance of the present notification. Therefore, the lower Court rightly discarded the same. As there was no other evidence, the lower Court after taking into consideration of the oral evidence of PW.1 that he

used to raise ground nuts and getting 10 bags per acre every year, hypothetically fixed the compensation at Rs.6,000/- per hectare, which is not more than 50% of the compensation awarded by the Land Acquisition Officer. Therefore, we see no merits in this appeal.

6. In the result, the appeal is dismissed. No order as to costs.

A.GOPAL REDDY, J

G.V.SEETHAPATHY, J

Date: 15.04.2010

Bss