

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**And**

**THE HON'BLE MR JUSTICE VILAS V.AFZULPURKAR**

L.A.A.S.NO.540 of 2008 and A.S.NO.2041 of 1996

**COMMON JUDGMENT:** (Per the Hon'ble Mr Justice Vilas V.Afzulpurkar)

These are two appeals namely, L.A.A.S.No.540 of 2008 is filed by the claimants and A.S.No.2041 of 1996 is filed by the State.

2. An extent of Acs.4.02 gts situated in Survey Nos.593/2, 594/2, 595/2 and 596/2 of Munukuntla village of Nakrekal Mandal, Nalgonda District, was acquired under a notification dated 15.07.1977 issued under Section 4 (1) of the Land Acquisition Act, 1894 ("the Act" for brevity) for the purpose of providing house sites to the Scheduled Caste and Backward Class people. The Land Acquisition Officer awarded compensation at the rate of Rs.2,500/- (Rupees two thousand five hundred only) per acre. Dissatisfied with the same, the claimants approached the Reference Court and the same was enhanced to Rs.5,000/-(Rupees five thousand only) per acre. The appeal by the State is with reference to questioning the said enhancement, which

is 100% of the compensation granted by the Land Acquisition Officer.

So far as the claimants' appeal is concerned, the claim made in the present appeal is at the rate of Rs.20,000/- (Rupees twenty thousand only) per acre.

3. We have heard the learned Government Pleader as well as the learned counsel for the claimants.

4. The point for consideration in these appeals is whether the decree of the Court below enhancing the compensation to Rs.5,000/- (Rupees five thousand only) per acre is justified and as to whether it warrants any further enhancement as claimed by the claimants.

5. It is to be noticed that so far as the appeal by the State is concerned, the enhancement is only 100% and as per the Policy Resolution in G.O.Ms.No.214 Irrigation & C.A.D. (PW : LA IV-R&R) Department dated 11.11.2008, the said enhancement cannot be said to be excessive and as such, the appeal filed by the State is liable to be dismissed on that short ground.

6. So far as the claimants' appeal is concerned, learned counsel for the claimants is not able to substantiate his claim with reference to any documents and in fact, no documents or sale transactions were filed

on behalf of the claimants to assess the market value at Rs.20,000/- (Rupees twenty thousand only) per acre as claimed by them. The claimants only led oral evidence of the claimant himself as P.W.1 and P.Ws.2 and 3, who have deposed that they have purchased the lands, but no sale transactions are exhibited. Mere oral evidence of P.Ws.2 and 3 or that of P.W.1 cannot be accepted for the purpose of granting enhancement.

7. In the absence of any documents, the enhancement as granted by the Reference Court is justified and warrants no further interference.

8. Learned counsel for the claimants also contends that though the notification shows that the land acquired is Acs.4.05 cents, but in fact, the land taken over by the State is Acs.4.32 cents and seeks compensation with regard to the acquired extent of Acs.4.32 cents.

9. It is evident that the notification under Section 4 (1) of the Act is specific with reference to Survey Nos.593/2, 594/2, 595/2 and 596/2 and respective extents as per the draft notification and draft declaration, which fairly confirmed with the same in accordance with the said records and the extent covered is only Acs.4.05 cents. The question as to whether the State has acquired any land over and above what is notified is outside the scope of present appeals.

Further, it is always open for the appellants to initiate the other proceedings with regards to the above as is available to them under the law.

10. With this observation, L.A.A.S.No.540 of 2008 filed by the claimants and A.S.No.2041 of 1996 filed by the State are dismissed.

No costs.

---

**(B.PRAKASH RAO, J)**

---

**(VILAS V.AFZULPURKAR, J)**

28<sup>th</sup> November 2008

RRB