

THE HON'BLE SRI JUSTICE V. ESWARAIAH
And
THE HON'BLE SRI JUSTICE NOUSHAD ALI

L.A.A.S.No.1913 of 2000

JUDGMENT: (Per Hon'ble Sri Justice V. Eswaraiah)

The Mandal Revenue Officer-cum-Land Acquisition Officer, Gooty, Ananthapur District, filed this appeal, under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'), against the order dated 04.04.1997 passed by the Subordinate Judge, Gooty, in O.P.No.25 of 1990 in enhancing the compensation awarded by the Land Acquisition Officer from Rs.4000/- to Rs.10,000/- per acre.

An extent of Ac.7.30 cents of land belonging to the claimant situated in S.No.309-CIB of Mamudur village was acquired by the Government for allotment of house sites in favour of the Schedule Caste and Back Ward Classes of Mamuduru village, pursuant to draft notification issued under Section 4(1) of the Act dated 4.03.1986. The Land Acquisition Officer, after conducting award enquiry, passed Award No.1/87-88 dated 23.08.1987 fixing the market value of the acquired land at Rs.4000/- per acre.

Dissatisfied with the market value so fixed, the claimant received the compensation under protest and sought to refer the matter under Section 18 of the Act. On reference being made, the claimant appeared before the reference Court and filed his claim statement contending that the lands in question are situated very near to the village within a half furlong i.e., 110 yards, and the same is irrigable dry land. He used to raise ground-nut crop in the acquired land. Near to the acquired land new constructions are coming up and the land is abutting to the road leading to Gooty town from Mamudur Village, and has great potential value for converting the same as house sites. Further the land was proposed to be acquired on payment of compensation of Rs.7,000/- per acre but the said proposal was erroneously reduced to Rs.4000/- per acre. Accordingly, the Land

Acquisition Officer fixed the compensation at Rs.4000/- per acre alone. However, it is the case of the claimant that as on the date of notification the prevalent market value is at Rs.50,000/- per acre.

To substantiate his claim, the claimant himself was examined as CW.1 and one more witness as CW.2 and got marked Exs.B.1 and B.2.

The claimant as CW.1 stated that an extent of Ac.7.30 cents situated in S.No.309-C of Mamuduru village was acquired for the purpose of construction of houses for weaker sections. Earlier it was proposed to be acquired on payment of compensation @ Rs.7000/- per acre. But the Land Acquisition Officer erroneously fixed the market value @ Rs.4000/- per acre only. It is stated that he himself sold an extent of Ac.0.05 cents of land covered under Ex.B.1 registered sale deed for a consideration of Rs.2,500/- per acre in the year 1985 i.e., two years prior to the date of acquisition, which works out to Rs.50,000/- per acre. The acquired land is situated on the road leading to Gooty from Mamuduru Village. In the cross-examination, he stated that he is still in possession of Ac.15.00 of land in Mamuduru village and the distance between Mamuduru village and the bus-stop of Gooty road is half furlong. The acquired land is situated nearby the village and fit for cultivation.

CW.2, who is also a resident of Mamuduru village, deposed that he sold (East-West) 10 yards x (North-South) 19 yards for a consideration of Rs.30,000/- per acre under Ex.B.2. The acquired land is situated near to the Mamuduru village.

As against the said oral and documentary evidence adduced on behalf of the claimant, the Land Acquisition Officer adduced neither oral nor documentary evidence. Therefore, the only evidence available on record is the oral deposition of CW.2 as well as Exs.B.1 and B.2. It is not in dispute that Ex.B.1 is in respect of the land situated in the same survey number of the acquired land. Ex.B.2 is the land situated in the abutting village. Ex.B.2-sale transaction is two years prior to the

date of issuance of Section 4(1) notification. Therefore, it cannot be said that Ex.B.2 sale transaction is brought up for the purpose of claiming more compensation. However, it is not in dispute that Ex.B.2 is in respect of small extent of 15 cents only whereas the acquired land is an extent of Ac.7.30 cents. Admittedly Ex.B.1 was purchased for the purpose of construction of house. If that be so, even if 1/3rd of the same is deducted, the market value which reflects as on the date of notification would be about Rs.36,000/- per acre. But the reference Court fixed compensation @ Rs.10,000/- only. Therefore, the market value fixed by the reference Court @ Rs.10,000/- per acre, in our considered opinion, is very meager. Hence, we do not see any justification to interfere with the impugned order passed by the reference Court.

Accordingly, the appeal is dismissed. There shall be no order as to costs.

V. ESWARAI AH, J.

NOUSHAD ALI, J.

31st August, 2010
Js.