

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

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APPEAL SUIT No.765 OF 2004
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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 and Special Deputy Collector, YRP Unit-III, Peddapuram, aggrieved by the judgment and decree, dated 15.02.1999, rendered in O.P.No.423 of 1990 by the learned Senior Civil Judge, Peddapuram.

Land admeasuring Ac.5-46 cents covered by Survey No.495 situated at Kambalapalem Village, Prathipadu Taluk, East Godavari District, belonging to the respondent – claimant was acquired under the provisions of the Land Acquisition Act, 1894, for the purpose of formation of borrow area and as the same was coming under submergence of Yeleru Reservoir Project. Notification under Section 4 (1) of the Land Acquisition Act was published on 02.09.1987. The Land Acquisition Officer, after conducting necessary enquiry, passed an Award fixing the compensation at Rs.12,000/- per acre for an extent of Ac.4-46 cents of land treating the same as a dry land and at Rs.5,000/- per acre for the remaining extent of one Acre of land treating the same as a grazing land. Not satisfied with the same, the respondent –

claimant sought reference under Section 18 of the Land Acquisition Act, which was tried in O.P.No.423 of 1990 by the learned Senior Civil Judge, Peddapuram.

Before the reference Court, on behalf of the respondent – claimant, RWs.1 and 2 were examined and Exs.R1 to R3 were marked. On behalf of the Referring Officer, PW.1 was examined, but no documentary evidence was adduced.

The reference Court, mainly by relying on the documentary evidence in Exs.R1 to R3, fixed the compensation at Rs.40,000/- per acre uniformly for the entire land in question. Aggrieved by the same, the present appeal is filed by the Land Acquisition Officer.

It is the case of the appellant that though one Acre of the land in question was a grazing land, the reference Court has fixed the compensation at Rs.40,000/- per acre uniformly for the entire extent of land in question, without assigning any reason.

From the evidence on record, it is clear that the entire extent of

Ac.5-46 cents of land was being used by the respondent – claimant for raising crops like Paddy and Plantain with the help of Tank water as well as the bore water. In that view of the matter, there is no reason to differentiate the land in question as dry and grazing lands and the

reference Court has rightly awarded uniform compensation to the entire land in question.

Coming to the fixation of compensation at Rs.40,000/- per acre, it is clear from the evidence on record that Kambalapalem,

J. Annavaram, Marriveedu, Lakkavaram and Ramanayyapeta are adjoining Villages and earlier when the lands situated in the same Village of Kambalapalem were acquired for the same public purpose, this Court has fixed the compensation at Rs.40,000/- per acre under Ex.R2. Ex.R1 is the registration extract of sale deed, dated 23.01.1986, by which, an extent of Ac.0-88 cents of land situated in Marriveedu Village was sold for a consideration of Rs.40,000/-, which was proved by examining RW.2 and the genuineness of the same was upheld by this Court under Ex.R3. In view of the oral and documentary evidence on record, particularly Exs.R1 to R3, we are of the view that the compensation fixed by the reference Court at Rs.40,000/- per acre for the land in question is just and reasonable and we do not find any merit in this appeal, so as to interfere with the same.

Accordingly, the appeal is dismissed. Miscellaneous Petitions, if any, pending shall stand closed. No costs.

REDDY

JUSTICE R.SUBHASH

JUSTICE A.SHANKAR

NARAYANA

28th August, 2014
MD