

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI
AND
THE HONOURABLE SMT JUSTICE M.G.PRIYADARSINI

L.A.A.S.No. 53 OF 2016

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the
Judgment and Decree made in O.P.No.43 of 2015 Dated 23.11.2015 on the file of
the Court of the Senior Civil Judge at Wanaparthy

Between:

The Land Acquisition Officer and Special Deputy Collector, L.A, Rajeev Lift Irrigation
Scheme, Phase -11, Pebbair.

AND

...PETITIONER/RESPONDENT

1. Bandela Chinnamma, W/o.Narsimha,
2. Purushotham Reddy, S/o.Raghava Reddy,
3. Sathyasheela Reddy, S/o.Raghava Reddy,
4. Ramadevi, W/o.Srinivas Reddy,
5. P.Buchamma, W/o.Allenna,
6. J.Narayan Reddy, S/o.Bucha Reddy,
7. M.Bucha Reddy, S/o.Krishria Reddy,
8. M.Bagyamma, W/o.Gopal Reddy,
9. M.Raghunath Reddy, S/o.Venkat Reddy,
10. Chinna Narsimha, S/o.Balaiah,
11. Gadsu Laxmidevamma, W/o.Venkataramulu,
12. M.Gopal Reddy, S/o.Chandra Reddy,
13. Dandugala Bojanna, S/o.Pedda Buchanna,
14. D.Thirupathaiah, S/o.Cinna Buchanna,
15. C.Veeraiah, S/o.Yenganna,
16. C.Sheshamma, W/o.Golla Bakkanna,
17. C.Kurmaiah, S/o.Golla Bakkanna,
18. C.Venkataiah, S/o.Yenganna,
19. Mandhadi Bucha Reddy, S/o.Sai Reddy,
20. Saileela, W/o.Rami Reddy,
21. M.Balakistamma @ Krishnamma, W/o.Bucha Reddy,
22. M.Anil Kumar Reddy, S/o.Krishna Reddy,
23. M.Maheshwar Reddy, S/o.Krishna Reddy,
24. P.Mangamma, W/o.Suguri,
25. V.Narsimha Reddy, S/o.Krishna Reddy,
26. D.Ramakrishna Reddy, S/o.Achi Reddy,
27. Ramachandraiah, S/o.Balaiah,
28. C.Cinna Bakkamma, W/o.Balaiah,
29. Eeshwaraiah, S/o.Balaiah,
30. Bojanna, S/o.Balaiah,

31. Sheshanna, S/o.Kotaiah,
32. P.Shankaramma, W/o.Sheshanna,
33. P.Kashanna, S/o.Peddaiah @Peelaiah,
34. Balraju, S/o.Chandraiah,
35. M.Pushpavathi, W/o.Bala Venkataiah,
36. Bharathi, W/o.Kashanna,
37. Parshuramudu, S/o.Chandraiah,
38. S.Venkateshwari, S/o.Narayana,
39. P.Raghunath Reddy, S/o.Harischandra Reddy,
40. B.Chinna Balaiah, S/o.Balaiah,
41. B.Venkataiah, S/o.Cinna Balaiah,
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46. Jyothi, W/o.Narsimha.
47. Pentamma, W/o.Bojjanna,
48. B.Ramulu, S/o.Pentaiah,
49. Balakistaiah, S/o.Balaiah,
50. Kurmaiah, S/o.Nagaiah,
51. Shanthamma, W/o.Nagaseshi, (All are R/o.Kalwarala Village, Pangal Mandal,
Mahabubnagar District)

...RESPONDENTS/PETITIONERS

L.A.A.S.M.P. NO: 250 OF 2016

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Judgment and decree in OP No. 43/2015 dated 23-11-2015 on the file of Senior Civil Judge, Wanaparthy.

Counsel for the Appellant : GP FOR APPEALS (TG)

Counsel for the Respondents : SRI S.VENKATESHWAR REDDY

The Court made the following: JUDGMENT

THE HON'BLE JUSTICE G. SRI DEVI

AND

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

L.A.A.S. No. 53 of 2016

JUDGMENT: (per Justice G. Sri Devi)

The *lis* in this Appeal preferred by the Land Acquisition Officer-cum-Special Deputy Collector, L.A. Unit, R.L.I.S.P.-II, Pebbair, Mahabubnagar District, is directed against the order passed by the civil Court in the reference made under Section 18 of the Land Acquisition Act, 1894.

2. Brief facts of the case are that different extents of lands owned by the claimants situated in Kalwarala Village of Pangal Mandal were acquired by the Government for forming embankment including CD & CM works of D-23 from KM 4.873 to KM 11.885 from Shankarasamudram Balancing Reservoir by issuing draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") on 16.05.2013 followed by draft declaration. After due enquiry, the L.A.O. has passed an award, dated 04.11.2013, fixing the market value of the acquired land at Rs.55,000/- per acre for dry lands, Rs.60,000/- per acre for Jalutari lands, Rs.65,000/- per acre for irrigated dry lands and Rs.70,000/- per acre for wet lands.

Not satisfied with the said compensation, the claimants have sought for reference under Section 18 of the Act, seeking enhancement of the compensation. The reference Court, by an order, dated 23.11.2015, has fixed the market value of the acquired land at Rs.4,00,000/- per acre for dry lands and Rs.4,05,000/- per acre for jaluthari lands, Rs.4,10,000/- per acre for dry irrigated land and Rs.4,15,000/- per acre for wet land. Challenging the said enhancement, the Land Acquisition Officer has preferred the present appeal.

3. Heard Sri D.Kiran, learned Assistant Government Pleader for the Appeals for the appellant and learned counsel for the claimants. Perused the material available on record.

4. As seen from the record, the present acquisition was for the purpose of ancillary project of Sankara Samudram Balancing Reservoir and the land was acquired in the year 2013. In respect of acquisition of lands in adjacent villages, which were earlier acquired for similar purpose, this Court *vide* judgment, dated 15.09.2022 has already elaborately analysed the evidence and considered the identical issue raised in the appeal in L.A.A.S.No.111 of 2019 and batch. Both the counsel have not disputed the factum of commonality of the evidence

and the issue in this appeal and in L.A.A.S.No.111 of 2019 and batch, wherein this Court has dismissed the appeals filed by the L.A.O. confirming the market value fixed by the reference Court at Rs.4,00,000/- per acre for dry land; Rs.4,05,000/- per acre for Jaluthari lands and Rs.4,10,000/- per acre for wet land.

5. Since it is agreed on either side that the reasoning adopted by this Court in its judgment dated 15.09.2022 holds good even in this appeal, we dismiss this appeal confirming the market value fixed by the reference Court.

6. Accordingly, the appeal is dismissed confirming the order dated 23.11.2015 passed in O.P.No.43 of 2015 on the file of the Senior Civil Judge, Wanaparth. However, the claimants are entitled for all the statutory benefits as per the amended Act. No order as to costs.

Miscellaneous petitions, if any, pending in these appeals shall stand closed.

**SD/-K.SRINIVASA RAO
JOINT REGISTRAR**

NOTE: On basis of the letter dated 29.04.2023 and orders of Registrar Judicial-I, O.P.Number has been corrected as "OP.No. 43 of 2015" instead of "O.P.No. 43 of 2009". This Judgment substitutes the earlier Judgment despatched on 08.11.2022.
njb

**SD/-K.SRINIVASA RAO
JOINT REGISTRAR**
SECTION OFFICER

To,

1. The Senior Civil Judge, Wanaparth, Mahabubnagar District.
2. One CC to Sri S.Venkateshwar Reddy ,Advocate (OPUC)
3. Two CCs to G.P for Appeals High Court for the State of Telangana at Hyderabad (OUT)

4. Two CD Copies
5. One Spare Copy

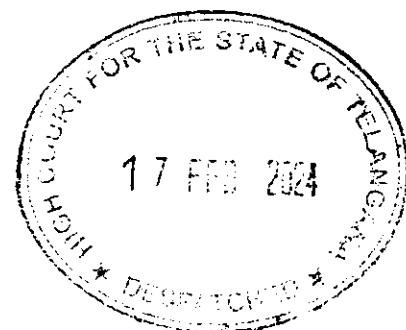
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Ans

HIGH COURT

DATED:15/09/2022

DATED 29.04.2023



AMENDMENT JUDGMENT

L.A.A.S.No.53 of 2016

**Dismissing the Appeal
Without costs.**

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21/2/24

HIGH COURT FOR THE STATE OF TELANGANA
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TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI
AND
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L.A.A.S.No. 53 OF 2016

Between:

The Land Acquisition Officer and Special Deputy Collector, L.A, Rajeev Lift Irrigation Scheme, Phase -11, Pebbar.

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...RESPONDENTS/PETITIONERS

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the Judgment and Decree made in **O.P.No.43 of 2015** Dated 23.11.2015 on the file of the Court of the Senior Civil Judge at Wanaparthy

ORDER :This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the case and upon hearing the arguments of G.P for Appeals, for the Appellant and of Sri S.Venkateswara Reddy, Advocate for the Respondents.

This Court doth Order and Decree as follows :

1. That the appeal be and hereby is Dismissed by confirming the order dated 23.11.2015 made in **O.P.No.43 of 2015** on the file of the Senior Civil Judge, Wanaparthy.
2. That however, the claimants are entitled for all the statutory benefits as per the amended Act.
3. That there shall be no order as to costs in this appeal.

**SD/-K.SRINIVASA RAO
JOINT REGISTRAR**

NOTE: On basis of the letter dated 29.04.2023 and orders of Registrar Judicial-I, O.P.Number has been corrected as "O.P.No. 43 of 2015" instead of "O.P.No. 43 of 2009".
 This Decree substitutes the earlier Decree despatched on 08.11.2022.

**SD/-K.SRINIVASA RAO
JOINT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

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ANR

HIGH COURT

DATED:15/09/2022

DATED:29/04/2023

AMENDMENT DECREE

LAAS.No. 53 of 2016

**PARTLY ALLOWING THE L.A.A.S
WITHOUT COSTS.**

12/2/24
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