

IN THE 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.S.NO: 71 OF 2016

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the Judgment and Decree made in O.P.No.41 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 Life Irrigation Scheme, Phase-II, Pebbaiparthy.

...PETITIONER/RESPONDENT

AND

1. M. Laxmaiaiah Yadav, S/o. Musalaiah
2. Shekar Yadav, S/o. Musalaiah
3. Shivaraj, S/o. Musalaiah
4. Venaiah, S/o. Ramachandraiah
5. Sheela, S/o. Bodia
6. R. Sheshaiah, S/o. Balaiah
7. R. Nagaraju, S/o. Balaiah
8. S. Baswaraju, S/o. Ramulu
9. Krishnaiah, S/o. Ranganna
10. S. Ramulu, S/o. Karre Balaiah
11. Ushanna, S/o. Chinna Sayanna
12. Hanmanthu, S/o. Jambulaiah
13. S. Raju, S/o. Ranganna
14. M. Jayaramulu, S/o. Bichanna
15. M. Rangaswami, S/o. Bichanna
16. M. Mohan Yadav, S/o. Bichanna
17. Ramachandramma, W/o. Ramanna
18. S. Narsimha, S/o. Gorrekunta Balaiah
19. Gorrekunta Laxmanna, S/o. Balaiah
20. Bichamma, W/o. Kistaiah
21. E. Sayamma, W/o. Pochanna
22. G. Ramulu, S/o. Devaiah
23. U. Narsimha, S/o. Balaiah
24. Beelya, W/o. Soniya
25. R. Nagya, S/o. Beelya
26. Chandru S/o. Bodia (died), Lrs. Added at S.No.73 to 76 as per I.A.No.724/2015 dt:2.9.2015
27. Basha, S/o. Nrya
28. Poriya, S/o. Chandru
29. Rathnamma, W/o. Bhaskar @ Basha
30. Mudavath Laxmi, W/o Poolsingh

31. Gobria, S/o. Lacha
 32. Gudubee, W/o. Shalisab @ Balesab
 33. Shalibee, W/o. Sidiqee
 34. Khairabee, W/o. Balesab
 35. Balapeer, S/o. Shalisab (died) Lrs Sl.No.70 to 72 are added are as per orders in I.A.No.649/2015 dt: 14.8.2015
 36. Ramudu, S/o. Gopanna
 37. S.Narsimha, S/o. Keree Balaiah
 38. Shivaraju, S/o. Pumpanna
 39. T.Pullaiah, S/o. Papanna (died)) Lrs.1 at Sl.No.66 to 69 as per the ordl I.A.No.648/2015 dt: 14.8.2015
 40. Bichamma, W/o. Pumpanna
 41. Narsimha S/o Ranganna
 42. S.Kurmaiah, S/o. Peda Sayanna
 43. Narayana, S/o. Karolla Hanmanthu
 44. Saikrihsna, S/o. Ramalingaiah
 45. K.Shankar, S/o. Ramalingaiah
 46. Karrenna, S/o. Mashanna
 47. S.Ramulu, S/o. Chinnaiah
 48. Venkataswami, S/o. Narsimha
 49. Shiva Kumar, S/o. Telugu Ramulu
 50. Lingaiah, S/o. Narayana
 51. Vasuram, S/o. Cheenya
 52. Gopal Naik, S/o. Cheenya
 53. Balya, S/o. Ramulu
 54. Thirupathi, S/o. Ramudu
 55. Kethavath Seetha, W/o. Hanmanthu
 56. Dhansingh, S/o. Baggu
 57. Keethya, S/o. Ramdas
 58. Chandru, S/o. Ramdas
 59. Balya, S/o. Jeethya
 60. Krishna, S/o. Meghya
 61. Balya, S/o. Poonya
 62. Mansingh, S/o. Shekya
 63. Babu, S/o. Nanu
 64. Mannemma, W/o. Hanmanthu
 65. Seethamma, W/o. Shakru
 66. T.Papanna, S/o. Pullaiah age 48 years
 67. Sathyamma, D/o. Pullaiah age 34 years
 68. Naramma, D/o. Pullaiah age 34 years
 69. Balakistamma, D/o. Pullaiah age 30 years All R/o. Thellapally
 70. Ushamma, W/o. Balapeer age 50 Yrs.
 Sl.Nos. 66 to 69 are Lrs of CP.No.39.
 71. Basheer, S/o. Balapeer age 32 Yrs
 72. Siddamma, D/o. Balapeer age 32 Yrs
 All R/o. Thellampally village, Sl.No.70 to 73 are LRs of CP.No.35
 73. M.Badhi, W/o. Chandru age 65 Yrs
 74. M.Bojjamma, D/o. Chandru age 42 years.
 75. M.Laxman, S/o. Chandru age 34 Yrs
 76. M.Shivaraju, S/o. Chandru age 26 Yrs
 (All R/o. Thellarapally Village, Pangal Mandal, Mahabubnagar District)
 Sl.No.73 to 76 are LRs of CP.No.26)

...RESPONDENTS/PETITIONERS

L.A.A.S.M.P. NO: 312 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. 41/2015, dated: 23-11-2015 on the file of Senior Civil Judge, Wanaparthy

Counsel for the Appellant : Sri D.KIRAN, AGP FOR APPEALS (TG)

Counsel for the Respondents : SRI S VENKATESHWAR REDDY

The Court made the following: JUDGMENT

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THE HON'BLE JUSTICE G. SRI DEVI

AND

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

L.A.A.S. No. 71 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 Tehallarallapally Village, Pangal Mandal were acquired by the Government for forming embankment including CD & CM works of D-23 from KM 49.400 to KM 54.155 from KM 13.011 to KM 123.122 and KM 15.873 to 15.999 from Shankarasamudram Balancing Reservoir by issuing draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") on 27.12.2012 followed by draft declaration. After due enquiry, the L.A.O. has passed an award, dated 20.03.2013, 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.2,85,714/- per acre for dry lands, Rs.2,90,714/- per acre for Jaluthari lands; Rs.2,95,714/- per acre for irrigated lands and Rs 3,07,714/- per acre for wet lands. 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. The learned Assistant Government Pleader has contended that without there being any cogent evidence adduced by the claimants, the reference Court has erroneously enhanced the aforesaid compensation. It is further contended that in as much as the land covered by Ex.P1 was sold at Rs.2,85,714/- per acre, which is just 15 days prior to the date of notification, the said sale transaction ought not to have been taken into

consideration by the reference Court for determining the market value.

5. On the other hand, learned counsel for the claimants has contended that the sale transaction covered by Ex.P1 has correctly reflected the market value of the acquired land, as the land under Ex.P1 and the acquired lands are similar nature and fertility. The transaction covered by Ex.P1 sale deed is 13.12.2012 and where as the award passed by the L.A.O. is dated 20.03.2013 i.e., there is more than three months gap and therefore, the reference Court has rightly relied on Ex.P1 more particularly when the lands therein are having similar nature and fertility, and therefore, the enhancement fixed by the reference Court needs no interference by this Court.

6. As seen from the record, the claimants in order to prove that the enhancement made by the L.A.O. is meagre, they have examined P.Ws.1 and 2 apart from marking Ex.P1-sale deed, dated 13.12.2012. A perusal of Ex.P1 shows that the land to an extent of Ac.1.02 guntas was sold for a consideration of Rs.2,85,714/- and to prove the same P.W.2, purchaser, was also examined. Even, R.W.1 in his cross-examination admitted that the acquired lands and the land covered by Ex.P1 are

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situated in the same village having similar nature and fertility.

Such being the case, the reference Court has rightly fixed the market value of the acquired lands basing on Ex.P1, which needs no interference by this Court.

7. Accordingly, the L.A.A.S. stands dismissed confirming the order of the reference Court. 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 order of the Registrar Judicial-I, the Cause Title of 1st, 2nd, 3rd, 8th, 17th, 19th, 21st, 23rd, 27th, 28th, 34th, & 36th Respondents/Petitioners are being corrected. This Judgment substitutes the earlier Judgment despatched on 14.12.2022

njb

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

To,

1. The Senior Civil Judge, Wanaparthy, Mahabubnagar District (With Records)
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

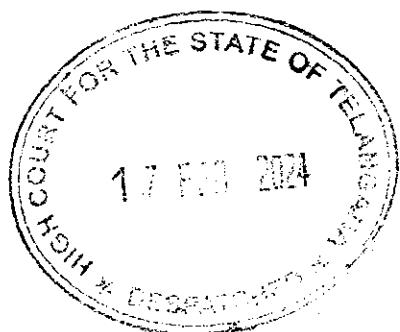
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HIGH COURT

DATED:15/09/2022
DATED 29.04.2023

AMENDMENT JUDGMENT
L.A.A.S.No.71 of 2016



**Dismissing the Appeal
Without costs.**

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17/2/24
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IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER
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AND
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SI.No.73 to 76 are LRs of CP.No.26)

...RESPONDENTS/PETITIONERS

Appeal Under Section 54 of the Land Acquisition Act, 1894 against the Judgment and Decree made in O.P.No.41 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 Sri S.Venkateswara Reddy, for the Appellant and of G.P for Appeals, Advocate for the Respondent.

This Court doth Order and Decree as follows :

1. That the appeal be and hereby is Dismissed by confirming the order of the reference Court.
2. 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 order of the Registrar Judicial-I, the Cause
Title of 1st, 2nd, 3rd, 8th, 17th, 19th, 21st, 23rd, 27th,
28th, 34th, & 36th Respondents/Petitioners are
being corrected. This Decree substitutes
the earlier Decree despatched on 14.12.2022**

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

//TRUE COPY//



SECTION OFFICER

To,

1. The Senior Civil Judge, Wanaparthy, Mahabubnagar District
2. Two CD Copies

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HIGH COURT

DATED:15/09/2022

DATED:29/04/2023

AMENDMENT DECREE

LAAS.No. 71 of 2016

**Dismissing the L.A.A.S.
Without Costs.**

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12/12/24
AVD