

**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.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, Pebbair.

**...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. Sidique
34. Khairabee, W/o. Balesab
35. Balapeer, S/o. Shalisab (died) Lrs SI.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. Karee Balaiah
38. Shivaraju, S/o. Pumpanna
39. T.Pullaiiah, S/o. Papanna (died) ) Lrs.1 at SI.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. Karrolla 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.  
SI.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, SI.No.70 to 73 are LR's 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. Thellapally Village, Pangal Mandal, Mahabubnagar District)  
SI.No.73 to 76 are LR's 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 20.03.201., 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

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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 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 34<sup>th</sup>, & 36<sup>th</sup> Respondents/Petitioners are being corrected. This Judgment substitutes the earlier Judgment despatched on 14.12.2022

njb

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**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

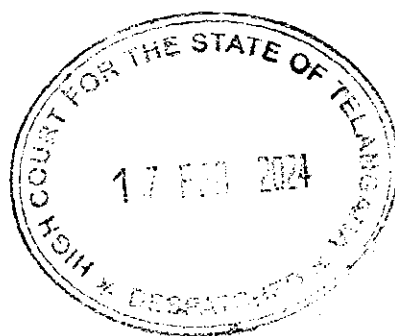
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**HIGH COURT**

**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  
JVA



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THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER  
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(All R/o. Thellarapally Village, Pangal Mandal, Mahabubnagar District)  
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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.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 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 34<sup>th</sup>, & 36<sup>th</sup> Respondents/Petitioners are being corrected. This Decree substitutes the earlier Decree despatched on 14.12.2022**

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

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**SECTION OFFICER**

To,

1. The Senior Civil Judge, Wanaparthi, Mahabubnagar District
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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.**

(4)  
12/2/24  
HVS