

(2017) 06 AP CK 0030
In the Andhra Pradesh High Court
Case No : 655 of 2004

The Land Acquisition Officer	Vs	APPELLANT
Gunta Leelamma, & Ors.		RESPONDENT

Date of Decision : 15-06-2017

Acts Referred:

Land Acquisition Act, 1894, Section 54,
Section 4(1) - Appeals in proceedings before Court - Publication
of preliminary notification and powers of officers thereupon.

Citation : (2017) 06 AP CK 0030

Hon'ble Judges : V.Ramasubramanian, N. Balayogi

Bench : DIVISON BENCH

Advocate : S.V. Muni Reddy

Final Decision : Dismissed

Judgement

1. Aggrieved by the enhancement of compensation granted by the reference Court from Rs.74=76 ps per square meter to Rs.125/- per square meter, the Land Acquisition Officer has come up with the above appeal under Section 54 of the Land Acquisition Act, 1894.
2. Heard the learned Government Pleader for Appeals (A.P.) and Mr. S.V. Muni Reddy, learned counsel for the respondents/claimants.
3. An extent of Ac.0.16 cents in R.S.Nos.91/2, 118/1 and 119/3 belonging to the claimants was acquired by the Government for the purpose of development of road curve of National High way leading from Nellore to Chennai. After taking note of certain sales statistics, the Land Acquisition Officer fixed the compensation at Rs.74=76 ps per square meter.
4. Not satisfied with the above order, the land owners sought a reference. By a judgment dated 03.07.2002 passed in L.A.O.P.No.1 of 1992 the reference Court enhanced the compensation to Rs.125/- per square meter. It is against the said judgment the present appeal is filed.

5. As stated earlier, the Land Acquisition Officer took note of the market value assessed by the Executive Engineer R & B Gudur for the structures prevailing at the time of notification under Section 4(1) and after relying upon certain sales statistics, fixed the market value of the acquired land at Rs.74=76 ps per square meter.

6. Before the reference Court the 10th claimant was examined as CW.1 and the 8th claimant was examined as C.W.2. But they did not file any documents. The Mandal Revenue Officer was examined as RW.1. He filed the certified copy of sale deed dated 05.08.1987 as Ex.B.1.

7. The extent of land acquired was only 16 cents and the same was for the purpose of development of a road curve of National Highway, leading from Nellore to Chennai. Taking into account the strategic location of the land and the sale deed relied upon by the Land Acquisition Officer to arrive at the compensation of Rs.74=76 ps per square meter, the reference Court held that the sale value taken by the Land Acquisition Officer was related to the year 1987, but the acquired land was abutting to the national high way. As a consequence, the reference Court enhanced the same to Rs.125/- per square meter. Since the total extent acquired is very small and the increase granted by the Court below is also not extraordinary, we do not think that the judgment of the Court below requires any interference. Hence the appeal is dismissed.

8. As a sequel, miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.