
(1992) 03 AP CK 0052
In the Andhra Pradesh High Court
Case No : Appeal No. 2033 of 1988

The Mandal Revenue Officer	Vs	APPELLANT
D. Brahmanandareddi and Another		RESPONDENT

Date of Decision : 26-03-1992

Acts Referred:

Land Acquisition Act, 1894 — Section 23, 54

Citation : (1993) 1 ALT 156

Hon'ble Judges : Iyyapu Panduranga Rao, J;G. Radhakrishna Rao, J

Bench : Division Bench

Advocate : C. Ramakrishna, for the Appellant; S.V. Ramana Reddy, for the Respondent

Judgement

G. Radhakrishna Rao, J.—The Land Acquisition Officer awarded compensation at Rs. 20,000/- per acre in respect of the land measuring about acres 3-81 cents. The land is situated at Yerraguidipalli village, Cuddapah district, covered by S.No. 69/2, Yerragudipalli village is adjacent to Pulivendula town. The Land Acquisition Officer took into consideration many sale deeds and ultimately granted the above amount. On reference, the learned judge took into consideration Ex.B-2 as a comparable sale and fixed the market value at Rs. 1,000/- per cent. Aggrieved by that, the State filed this appeal.

2. The first contention raised by Sri Ramakrishna is that the sale-deed in respect of the land to an extent of acres 3.5 cents, for a value of Rs. 1,000/-, emanating from no other than the claimant No. 1 and which is prior to the initiation of the proceedings in the year 1984 cannot be taken into consideration. It is well settled proposition that for valuing a vast extent of more than 18,000 sq. yards, a sale-deed for 150 or 200 yards of land cannot be taken as a comparable sale. In the present case, Ex. B-2 is not the only sale-deed available. In seeing the award, we found that there are many sale transactions in the same village. When many sale transactions are there it is the duty of the claimant to produce the sale-deeds relating to the lands in the same village in support of his claim, but

he is not expected to produce the sale-deed relating to the land in a town which is abutting thereto. In a town, naturally, prices will be higher than in a village which is abutting it. To what extent the prices in the village are lower has to be decided with reference to the sale-deeds relating to the lands in that village itself. When there are many sale transactions in the same village, the claimants have not made any attempt to produce any of them in support of their claim. As the document in question is only for a small extent of land and for a higher consideration and further as it has emanated from P.W. 1 just prior to the initiation of the proceedings, we feel that Ex.B-2 cannot be a comparable sale. The learned judge erred in construing Section 92 of the Evidence Act and allowed the evidence to be let in to state that Rs. 5,000/- is the sale consideration while in fact the document shows only Rs. 1,000/-. Thus viewed from any angle the appreciation of evidence by the learned judge is perverse and does not appeal to reason. Therefore, we hold that Ex.B-2 cannot be treated as a comparable sale. So if Ex.B-2 is excluded there is no other material to arrive at a conclusion.

3. Sri Ramana Reddy, learned counsel for the respondents, contended that there is acquisition for APSRTC and also for Sub-Court. If such a material is there the claimants ought to have filed the same into the court. But mere statement in the counter-affidavit that there are potentialities is not sufficient unless it is substantiated by documentary evidence.

4. Having regard to the above facts, we feel that this matter should be remanded to the court below to enable the parties to adduce evidence. Accordingly, A.S. No. 2033 of 1988 is allowed and the matter is remanded to the court below for disposal in accordance with law and after giving opportunity to the parties to adduce evidence. The order under appeal is set aside. No costs.