

(2017) 06 AP CK 0023
In the Andhra Pradesh High Court
Case No : 650 of 2004

The Special Tahsildar, L.A., Unit-IV, Jangareddigudem	APPELLANT
Vs	
Katragadda Issack (died per L.Rs), & 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 0023

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

Bench : DIVISON BENCH

Advocate : Narasimha Rao, Davuluri

Final Decision : Dismissed

Judgement

1. Aggrieved by the enhancement of compensation granted by the reference Court from Rs.5,500/- per acre for dry land and Rs.6,000/- per acre for wet land to Rs.12,000/- per acre for dry land and Rs.15,000/- per acre for wet land, 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. Narasimha Rao Davuluri, learned counsel appearing for the respondents/ claimants.
3. An extent of Ac.1.95 cents of wet and dry land in Rs.No.216/3 and Ac.0.25 cents Government dry land in Rs.No.220/4 of Vegavaram village erstwhile Chintalapudi Taluk, Jangareddygudem Mandal, West Godavari District, belonging the claimants, was acquired by the Government for the purpose of formation of Vengalaraya Sagar Project, across Yerrakalva. After taking note of certain sale transactions, the Land Acquisition Officer passed Award No.2/86 dated 11.01.1986 fixing the compensation at Rs.5,500/- per acre for dry land and Rs.6,000/- per acre for wet land.

4. Not satisfied with the above order, the land owners sought a reference. By a judgment dated 22.09.1999 passed in L.A.O.P.No.101 of 1988 the reference Court enhanced the compensation to Rs.12,000/- per acre for dry land and Rs.15,000/- per acre for wet land. It is against the said judgment the present appeal is filed.

5. As stated earlier the Land Acquisition Officer took note of certain sale transactions that took place within a period of three years immediately preceding the date of the notification under Section 4(1). The Land Acquisition Officer took note of the annual income from the acquired lands and fixed the market value of the acquired land at Rs.5,500/- per acre for dry land and Rs.6,000/- per acre for wet land.

6. The reference before the reference Court formed part of a batch of cases. The claimants in different cases examined themselves as PWs.1, 4 and 5. Persons claiming to be the neighbouring land owners were examined as PWs.2 and 3. They filed Exs.A.1 to A.6. The Special Thasildar was examined as RW.1.

7. Sale deed dated 22.09.1979 was filed as Ex.A.1. The certified copy of the agreement of sale dated 15.12.1976, which preceded the sale deed under Ex.A.1, was filed as Ex.A.2. The extract of the lease deed dated 10.02.1976 registered between two different parties was filed as Ex.A.3. The judgment in O.P.Nos.180 to 183 of 1984 was filed as Ex.A.4 and the judgment of the High Court in A.S.No.1715 of 1987 dated 25.04.1989 was filed as Ex.A.5. Ex.A.6 was a certified copy of the order dated 18.01.1991 passed in O.P.No.41 of 1986.

8. The reference Court rejected the transactions covered by Exs.A.1 to A.3 on the ground that the lands covered under those documents are situated in different villages and that there was no reliable evidence to hold that the lands were of the same nature and fertility. The reference Court also rejected the evidence of PWs.2 and 3 on the ground that the judgments in their cases were not filed.

9. Thereafter, the reference Court went into the question of yield. On the basis of the evidence, the reference Court found that the acquired lands were fertile lands with assured supply of water through out the year and capable of yielding two crops per year. The reference Court held that if paddy was cultivated, the yield would be 35 bags per acre per crop and if sugarcane was grown the yield would be 35 to 40 tons per acre. The price of paddy per bag was Rs.220/- and the sugarcane was Rs.700/- per ton in the year 1980.

10. Therefore, after referring to the price index of 1979-80, the reference Court found that the annual income from the acquired lands would be Rs.3,000/- per acre for the wet land and Rs.2,000/- to Rs.2,500/- per acre for the dry land. After deducting 50% of the income towards expenditure, as laid down by the Supreme Court in *State of Gujarat v. Rama Rana*, the reference Court took the annual income from the acquired land as Rs.1,500/- per acre per annum for wet land and Rs.1,200/- per acre per annum for dry land, and by applying a

multiplier of 10, the Court below worked out the compensation at Rs.15,000/- per acre for wet land and Rs.12,000/- per acre for dry land. The reasons given by the reference Court are sound and probable. As a matter of fact, the reference Court did not simply go by the evidence marshaled by the Land Acquisition Officer but went by the yield. Therefore, we do not see any justification to interfere with the judgment of the reference Court. Hence the appeal is dismissed.

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