



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3549]

THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

**LAND ACQUISITION APPEAL SUIT Nos: 321, 332, 356, 388, 390, 396, 456
and 508 of 2017**

L.A.A.S.No.321 of 2017:

Between:

1. SPECIAL DEPUTY COLELCTOR, KURNOOL DIST, TELUGU GANGA
PROJECT, NANDYAL, KURNOOL DISTRICT.

...APPELLANT

AND

1. SRI M PEDDA BALA PULLANNA KURNOOL DIST, S/o. Dasthagiri,
aged 35 years, R/o. Nakkaladinne village Rudravaram Mandal, Kurnool
District.

...RESPONDENT

Counsel for the Appellant:

1. GP FOR APPEALS (AP)

Counsel for the Respondent:

1. BALLA RAVINDRANATH & SAVITHRI DEVI

The Court made the following:

COMMON JUDGMENT: *(Per Hon'ble Sri Justice Ninala Jayasurya)*

Aggrieved by a Common Order, dated 19.10.2016 in L.A.O.P.Nos.170, 173, 166, 167, 168, 169, 172 and 164 of 2013 on the file of the Court of the Senior Civil Judge, Allagadda, the State/appellant preferred the present batch of appeals.

2. Heard Sri S.Bala Mohan Rao, learned Government Pleader for Appeals, and Smt. Savithri Devi, learned counsel for the respondents/claimants, who appeared through online.

3. For the purpose of excavation of Major Distributory in Block No.21 of Telugu Ganga Project, Nandyal, the Special Deputy Collector (Land Acquisition) issued a Notification, dated 05.06.2006, under Section 4(1) of the Land Acquisition Act (hereinafter referred to as 'the Act') for acquisition of land of an extent of Ac.14.51 cents in the village limits of Muthalur village of Rudravaram Mandal belonging to the respondents/claimants. Thereafter, the Land Acquisition Officer, by conducting Award enquiry, classified the lands into two categories i.e., (i) dry lands, (ii) irrigated dry lands and fixed the market value @ Rs.40,000/- and Rs.50,000/- per acre respectively. The respondents/claimants, while receiving the compensation under protest sought reference under Section 18 of the Act.

4. Before the Reference Court, the respondents claimed an amount of Rs.2,00,000/- per acre and in support of their case, examined P.Ws.1 (claimant in O.P.No.164 of 2013) to P.W.3 and got marked Exs.A1-Certified Copy of the Sale Deed, dated 16.06.2003, and Ex.A2-Rudravaram Mandal Map. On behalf of the Referring Officer, no oral evidence was adduced. Attested copy of the Award No.20/2006, dated 01.08.2006, in respect of the lands in question, was marked as Ex.B1.

5. The Reference Court, after examining the oral and documentary evidence, enhanced the compensation to Rs.1,04,000/- per acre.

6. Learned Government Pleader, vehemently contends that the enhancement of the compensation by the Reference Court is without any valid basis. He submits that the respondents/claimants have not adduced any cogent evidence to substantiate their claim for enhancement of the compensation. He argues that Ex.A1-Sale transaction, dated 16.06.2003, is in respect of the lands situated in a different village i.e., Chinna Kambaluru village, whereas the acquired lands are situated in Muthalur village, Rudravaram Mandal. Therefore, the said sale transaction ought not to have been taken into consideration and the value fixed by the Land Acquisition Officer by taking the sale statistics at the time of Award enquiry ought to have been approved by the Reference Court. Making the said submissions, he urges for allowing the appeals.

7. On the other hand, the learned counsel appearing for the respondents/claimants sought to sustain the orders of the Reference Court. She contends that the Reference Court considered both oral and documentary evidence in a proper perspective and in the light of the settled legal position referred to in the order under challenge, no interference is called for by this Court in the present appeals.

8. This Court has considered the submissions made and on an appreciation of the same, the point that arises for consideration is:

“Whether the fixation of market value by the Reference Court vide Common Order under challenge warrants interference by this Court as the same is excessive?”

9. At the outset, it may be appropriate to mention that hundreds of acres of land situated in different villages of Kurnool District were acquired for the purpose of the Telugu Ganga Project. Most of these villages are contiguous and nature of the land in most of these villages is similar. Be that as it may.

10. As noted earlier, seeking enhancement of the compensation in respect of the subject lands, the respondents/claimants got examined P.W.1 (claimant in O.P.No.164 of 2013) to P.Ws.2 and 3. They relied on Ex.A1, dated 16.06.2003, which is in respect of lands situated at Chinna Kambaluru Village, wherein an extent of Ac.0.50 cents was sold for Rs.40,000/- which works out to Rs.80,000/- per acre. In the Claim Statement before the Reference Court, the respondents/claimants stated that the fixation of market value is too low, that the Land Acquisition Officer was not correct in making the classification of lands and that it is proper to fix the market value @ Rs.2,00,000/- per acre. P.W.1 filed affidavit in *lieu* of chief-examination, supporting the contents of the Claim Statement. P.W.3, one of the attestors to the Sale Deed(Ex.A1), dated 16.06.2003, supported the version of P.W.1. Most importantly, P.W.2, the Mandal Agricultural Officer, whose jurisdiction extends to Muthalur, Chandalur, Mandalur, Narasapuram, Sreerangapuram, Alamur, Chinna Kambaluru, Pedddakambalur, Kondamayapalli, Velagalapalli and Yerragudidinne, where the subject lands and Ex.A1 lands are situated, categorically deposed that the said lands are having similar crop pattern, productivity and the market value. Nothing contra was elicited in the cross-examination of P.Ws.1 to 3. It is also brought on record that the said villages are situated within a distance of 10 kms., radius. No contra evidence was adduced, either oral or documentary, on behalf of the Referring Officer, in the absence of which, the compensation has to be fixed on the basis of the evidence adduced by the claimants.

11. At this juncture, the contention raised by the learned Government Pleader with regard to the Sales Statistics relied on by the Land Acquisition Officer may also be referred to. However, it is settled law that unless the sale transactions, forming basis for fixation of compensation by the Land Acquisition Officer are exhibited, the same cannot be treated as evidence though a reference was made in the Award (See: 1988 (3) SCC 751).

Therefore, mere marking of Ex.B1-Award in the absence of oral and documentary evidence supporting the fixation of market value by the Land Acquisition Officer would not enure to the benefit of the State. Be that as it may.

12. In the land acquisition matters, the Law is well settled that the Court is required to fix just and reasonable compensation.

13. In the present case, to substantiate their claim for enhancement, the respondents/claimants placed reliance on Ex.A1-Registered Sale Deed, dated 16.06.2003. The sale transaction is in respect of an extent of Ac.0.50 cents ($\frac{1}{2}$ acre) for Rs.40,000/- which took place 3 years prior to the issuance of Section 4(1) Notification, dated 05.06.2006, in respect of the subject lands. In the absence of any contra material on record, adduced by the Referring Officer, the Court has no option except to take the said Sale Deed into consideration, by taking the time gap of 3 years.

14. In the present case, the lands are acquired for Telugu Ganga Project and the respondents, by adducing evidence, substantiated their claim. There is a time gap of 3 years between Ex.A1-Sale Deed, dated 16.06.2003, and the Section 4(1) Notification, dated 05.06.2006. The Reference Court has taken into consideration the value appreciation @ 10% per annum, though as per ***Om Prakash vs. Union of India***¹, the same may be taken up to 12% per annum, in which event, the respondents/claimants would get more compensation i.e., Rs.1,08,000/- per acre. However, the claimants have not filed appeals. Though the subject lands are categorized into dry lands and irrigated dry lands, going by the evidence on record, more particularly, P.W.2-Mandal Agricultural Officer and the potentiality of the acquired lands which are suitable for both commercial and food crops by virtue of Telugu Ganga Project/Distributory canals, fixation of compensation uniformly @

¹ (2004) 10 SCC 627

Rs.1,04,000/- per acre by the Reference Court, in the considered opinion of this Court, is just and reasonable. Accordingly, the point is answered.

15. Having considered the matter in its entirety, there are no grounds to interfere with the well-reasoned order of the learned Reference Court.

16. In the aforesaid view of the matter, the appeals fail and the same are accordingly dismissed. There shall be no order as to costs.

17. As a sequel, Interlocutory Applications pending, if any, in these cases, shall stand closed.

NINALA JAYASURYA,J

TUHIN KUMAR GEDELA,J

9th October, 2025
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