

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 CIVIL APPEAL No.438 OF 2010

TIRUMALASETTI BRAHMANN (D)THR.LR.APPELLANT(S)

VERSUS

SPECIAL DY. COLLECTORRESPONDENT

WITH

CIVIL APPEAL No.439 OF 2010
 CIVIL APPEAL No.440 OF 2010
 CIVIL APPEAL No.441 OF 2010
 CIVIL APPEAL No.442 OF 2010

O R D E R

Delay condoned.

Feeling dissatisfied with the enhancement granted by the High Court in the amount of compensation determined by Senior Civil Judge, Kovvur (for short, 'the Reference Court') in lieu of the acquisition of their land, the appellants have filed these appeals.

The appellants' land situated in village Thaduvai, Jangaraddigudem Mandal, West Godavari District of Andhra Pradesh was acquired for foreshore submersion area under Yerra Kaluva Reservoir Scheme. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was published in the Official Gazette on 1.10.1991. The Land Acquisition Officer passed award dated 19.11.1993 and fixed market value of the acquired land at the rate of Rs.25,000/- and Rs.12,000/- for wet and dry lands respectively. After accepting the amount of compensation under protest, the appellants made applications under Section 18 of the Act to the Collector to refer the matter to the Court for determination of the amount of compensation. The Collector accepted their request and made reference to the Court.

In support of their claim for award of compensation at the rate of Rs.85,000/- per acre, the appellants examined PW-1 to PW-7 and produced documents which were marked as Exts. A1 to A-9 and C1. On behalf of the Collector, one witness (RW1) was examined but no documentary evidence was adduced.

After considering the evidence of the parties, the Reference Court held that the landowners are entitled to compensation at the rate of Rs.35,500/- per acre in respect of wet lands and Rs.22,000/- in respect of dry lands.

The appellants challenged the judgment of the Reference Court by filing appeals under Section 54 of the Act, which were partly allowed by the High Court and the amount of compensation was enhanced from Rs.30,500/- to Rs.50,000/- per acre in respect of wet lands and from Rs.22,000/- to Rs.30,000/- per acre in respect of dry lands.

We have heard learned counsel for the parties and perused the record.

A careful reading of the impugned judgment shows that the High Court enhanced the compensation by relying upon sale instances Exts. A4, A5, A8 and A9 by which different parcels of land were sold for Rs.50,000/- to Rs.55,000/- per acre. Admittedly, those sale deeds were executed two years prior to the issue of notification under Section 4(1) of the Act for the acquisition of the appellants' land. Therefore, by applying the ratio of the judgments of this Court in Ranjit Singh v. UT of Chandigarh (1992) 4 SCC 659, Land Acquisition

For Appellant(s) Mr.V.Sridhar Reddy, Adv.

For Respondent(s) Ms. C.K. Sucharita, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed order.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)