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SLP(C)No. 13596 OF 2001

ITEM No.2

Court No. 9

SECTION XIIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.13596/2001

(From the judgement and order dated 16/08/1999 in AN 1294/90
of The HIGH COURT OF A.P AT HYDERABAD)

MANDAL REVENUE OFFICER, A.P.

Petitioner (s)

VERSUS

YEDLAPALLY ANJENEYULU

Respondent (s)

(With Appln(s). for c/delay in filing SLP and
permission to submit additional document(s))
(With prayer for interim relief)
(For Final Disposal)

Date : 14/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Guntur Prabhakar, Adv.

For Respondent (s) Mr. PS Narasimha, Adv.
Mr. Ananga Bhattacharjee, Adv. for
M/s. P.S.N. & Co.

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

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Mr. G. Prabhakar, learned counsel appearing for
the appellant, started his arguments at 11.55 a.m. and
concluded at 12.10 p.m. Thereafter Mr. P.S. Narasimha,
learned counsel appearing for the respondent, started his
arguments and concluded at 12.20 p.m. Hearing concluded.

Delay condoned.

Leave granted.

The appeal is partly allowed. The parties shall
bear their own costs.

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(Neelam Kawatra)
Court Master

(Prem Prakash)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2002@@
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(Arising out of S.L.P.(C)No.13596/2001)

Mandal Revenue Officer, A.P.

Appellant (s)

versus

Yedlapally Anjeneyulu

Respondent (s)

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Delay condoned.
Leave granted.

The claimant is the respondent in this appeal. The land of the respondent situate in the outskirts of Bhadrachalam town in Khammam District was acquired in terms of notification under Section 4(1) of the Land Acquisition Act. The public purpose for acquisition was stated to be for providing house sites for weaker sections of the society. Notification under Section 6 of the Act was published on 27.1.1986. The Land Acquisition Officer fixed the market value of the acquired land at Rs. 5,500/- per acre in his award dated 7.3.1986. The reference Court enhanced the compensation to Rs.11,000/- per acre in terms of judgment and order dated 27.9.1989. The respondent still aggrieved preferred an appeal before the High Court of Judicature at Andhra Pradesh which was disposed of by impugned judgment

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whereby the market value was determined @ Rs.25/- per square yard i.e. Rs.1,21,000/- per acre approximately. The judgment of the High Court is under challenge in this appeal filed by the Mandal Revenue Officer (Land Acquisition Officer, Bhadrachalam town).

Learned counsel appearing for the appellant contends that the High Court while determining the market value @ Rs.25/- per square yard relied upon only on the judgment in respect of the land in the same survey when the land was acquired in the year 1977 and the compensation was fixed by the Division Bench of the Andhra Pradesh High Court at Rs. 15/- per sq. yard reducing it to that amount from Rs.25/- per sq. yard which had been fixed in appeal against the order of the Land Acquisition Officer by the Additional District Judge as a reference Court. The learned single Judge of the High Court, however, affirmed the order of the reference Court which was set aside in Letter Patent Appeal in the manner aforesaid by the Division Bench. In that case, in respect of the land acquired for Agricultural Market Committee in the year 1977. The market value was fixed at Rs.5/- per sq. yard by the Land Acquisition Officer which,

as stated above, was enhanced to Rs. 25/- but initially

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reduced to Rs. 15/- by the Division Bench of the High Court. Taking the said basis for determining the market value of the land in question and considering a gap of about eight years between two notifications and keeping in view that during the intervening period the enhancement would have been roughly come to 10% on which basis the market value works out to Rs. 7/- per square yard, it was rounded off to Rs.2/- per square yard by the High Court in the judgment under appeal. we have been taken through the judgment of the reference Court which sets out certain peculiar features in respect of the aforesaid land acquired in the year 1977. Undoubtedly, the said land is also part of the same survey number but the survey number comprises land to the extent of nearly 2000 acres. It appears that the earlier acquired land was in the centre of Bhadrachalam town whereas the land in question is situated on the outskirts of the said town. Unlike the said land, even after lapse of three years, no building has sprung up on the agricultural land situated on the northern and western side of the land acquired as noticed by the reference Court. It is, however, noticed that Bhadrachalam is an important pilgrimage town of Andhra Pradesh. There are several Government offices in the said town. The land itself was acquired for providing house sites for the weaker

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sections of the society. The said instance is taken into consideration may have its peculiar and special features but it is difficult to accept the contention that it was not at all relevant. Learned counsel appearing for the respondent has also taken us through the sale instances incorporated in the report of the Advocate Commissioner which has been filed in the reference Court.

Having examined the material on record with the assistance of the learned counsel for the parties, in our view, it would be just and expedient to determine the market value at Rs.1 lakh per acre instead of Rs. 1,21,000/- per acre fixed by the High Court.

In view of the above, the appeal is partly allowed and the impugned judgment is modified to the extent of enhancing the compensation as fixed by the reference Court from Rs.11,000/- per acre to Rs. 1 lakh per acre. The parties shall bear their own costs.

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.....J
(Y.K. Sabharwal)

New Delhi,
March 14, 2002.

.....J
(K.G. Balakrishnan)