

V&  
SLP(C)No.13632/2000  
ITEM No.30

Court No. 8

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.13632/2000

(From the judgement and order dated 25/01/2000 in AN 2063/98  
of The HIGH COURT OF A.P AT HYDRABAD)

M. CHANDRA SEKHAR REDDY

Petitioner (s)

VERSUS

SPECIAL DY. COLLECTOR, (LAO), A.P.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for c/delay in filing SLP and office report)

Date : 19/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. A. Raghuvir, Sr. Adv.  
Mr. P. Venkat Reddy, Adv. for  
Mr. A. Raghunath, Adv.

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

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

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Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Costs on the parties.

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Sarita (V.P. Tyagi) @@  
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COURT MASTER@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 732 OF 2001@@  
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(Arising out of S.L.P. ( C ) No.13632/2000)

M. Chandra Sekhar Reddy ... Appellant

Versus

Special Dy. Collector, (LAO) A.P. ... Respondent

O R D E R@@  
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Leave granted.

Heard learned counsel for the parties.

The short question raised is, whether on the facts and circumstances of the case, deduction from the quantum fixed by the referring court by 1/4th amount was justified. The appellant is not challenging the quantum of amount fixed but deduction of 1/4th from the said amount. The referring court relying on Ex.A-2 fixed the quantum at Rs.80,000/- per acre. Aggrieved by that the State filed appeal before the High Court. The High Court did not accept State challenge to the fixation of compensation but allowed the deduction from it to the extent of 1/4th towards the development charges. It is this which is the subject matter of challenge before us in this appeal.

It is not in dispute the developing charges being charged in this case, where acquisition is only for the excavation of canal. Nothing is brought on the record to justify this deduction. The obligation is cast on the State to place on the record any material before claiming such deduction, specially when it pertains to excavation of canal.

Learned counsel for the respondent made submission that fixation of compensation based on small piece of land is not justified. State cannot raise this submission in claimant appeal. In this case the State has not preferred any appeal as against the High Court order.

So far deduction by 1/4th, learned counsel for the respondent could not bring to the notice any material or submission to substantiate the reason for such deduction of 1/4th, except referring to the Ex.A-2 to be of small piece of land. Hence, we do not find any merit in the submission.

Accordingly for the aforesaid reasons we find that the deduction of 1/4th by the High Court from the quantum of amount fixed by the referring court cannot be sustained accordingly the same is quashed.

The appeal is accordingly allowed. Costs on the parties.

.....J.  
(A.P. Misra)

New Delhi,  
January 19, 2001.

.....J.  
( B.N. Agrawal)