

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3368 OF 2003

A.P.S.R.T.C.

Appellant (s)

VERSUS

BODASINGI NARASIMHULU & ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 3369 of 2003

(With office report)

Date: 07/04/2011 These Appeals were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr. G. Ramakrishna Prasad, Adv.
Mr. R.K. Santhanam, Adv.
Mr. B. Sugandham, Adv.

Mr. Guntur Prabhakar, Adv.

For Respondent(s) Mr. P.S. Narasimha, Sr. Adv.
Mr. M. Srinivas R. Rao, Adv.
Mr. Abid Ali Beeran P., Adv.
Mr. K. Parameshwar, Adv.
Mrs. Sudha Gupta, Adv.

Mr. V.G. Pragasam, Adv.

Ms. C.K. Sucharita , Adv.
Ms. Nirada Das, Adv.

Mrs.K. Sarada Devi

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

The Appeals are dismissed in terms of the signed order.

(NAVEEN KUMAR) (RENU DIWAN)
COURT MASTER COURT MASTER

(Signed order is placed in the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3368 OF 2003

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WITH CIVIL APPEAL NO. 3369 OF 2003

O R D E R

By this judgment and order, we propose to dispose of two appeals which are identical in nature and involve similar facts and laws.

So far the appeal, namely, C.A. No. 3369 of 2003 is concerned, we find from the records that the counsel appearing for the Appellants has not taken any steps for getting the service effected on the respondents 3(a) and 3(b) despite the order passed by this Court on 10.5.2010. Therefore, appeal as against the aforesaid respondents stand dismissed for non-prosecution.

In the aforesaid two appeals, land measuring 7 acres 49 cents and 17 acres 94 cents respectively were acquired by the State Government by issuing a notification under Section 4 of the Land Acquisition Act on 23.9.1984. Subsequent thereto a
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declaration was also issued by the State Government pursuant to which possession of the aforesaid land was also taken by the State Government for handing over possession of the same to the beneficiary, namely, the Appellant herein for construction of RTC workshop. The Land Acquisition Officer thereafter took up the matter for passing the award and on 31.7.1985, an award was passed by him after taking notice of various documents determining the market value of the land acquired at Rs.21,000.00 per acre. The claimants being aggrieved by the aforesaid award, filed a Reference Petition under Section 18 of the Land Acquisition Act on the basis of which reference was made to the District Court. The Reference Court received evidence adduced by the parties and after hearing the counsel appearing for the parties, enhanced the market value of the acquired land determining it at Rs.80,000.00 per acre, without any deduction from the market value towards development charges.

Being so aggrieved, the beneficiary filed an appeal before the High Court under Section 54 of the Land Acquisition Act.

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High Court upon consideration of all the evidence on record, by the impugned judgment and order, directed that 1/4th amount be deducted towards development charges and activities as the land was acquired for construction of the RTC workshop.

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Still aggrieved, the beneficiary appellant has filed the present appeals on which we have heard the learned counsel appearing for the parties. The counsel appearing for both the parties have taken us through the evidence on record and on the basis of the same made their respective submissions.

In the light of the aforesaid submissions we have also examined the records carefully. On going through the records we find that the reliance was placed by the Reference Court as also by the High Court on two sale deeds i.e. one executed on 15.10.1985 and exhibited as Ex.B-1 and other sale deed executed on 12.4.1982 exhibited as Ex.B-2. Ex.B-1 is the sale deed by which land measuring 0.25 cents was sold whereas by the other sale deed (Ex.B-2) land measuring 84 square yards was sold. The claimants also produced a plan which was exhibited as Ex.B-3 which indicates that the acquired land is situated in a highly developed area. Although the land which was acquired was agricultural land, but it is established from the records that the said land has substantial potential value. The acquired land is surrounded by industrial as also residential areas. The acquired land is also situated on the back side of the site earmarked for the construction of District Court Complex Vizianagaram. Both Ex. B-1 and B-2 sale deeds are proved by the vendors. Ex. B-3 plan also indicates that the acquired land is just about 60 yards away from the highway road

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leading from Vizianagaram to Visakhapatnam. There are building activities in and around the acquired land and there are several

mills in the nature of jute mills, textile mills, flour mills and oil mills in the vicinity of the acquired land. These facts prove that the land is valuable and have potential value.

Considering the entire facts and circumstances of the case, we are of the considered opinion that the deduction of 1/4 th for providing utility services and civic amenities by the High Court was justified in the peculiar facts and circumstances of this case. We, therefore, find no reason to interfere with the impugned judgment and order passed by the High Court.

The appeals are dismissed leaving the parties to bear their own costs.

We are also informed that the amount enhanced by the High Court has since been deposited by the appellant and the same has since been paid to the respondents. However, we do not express any opinion so far as aforesaid fact is concerned.

.....J.
(Dr. MUKUNDAKAM SHARMA)

.....J.
(ANIL R. DAVE)

NEW DELHI,
APRIL 07, 2011