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SLP(C)No. 26 OF 2001

ITEM No.3

Court No.10

SECTION XIIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.26/2001

(From the judgement and order dated 28/07/2000 in AN 110/00  
of The HIGH COURT OF A.P AT HYDERABAD)

LAND ACQUISITION OFFICER, A.P.

Petitioner (s)

VERSUS

Y. RAM REDDY

Respondent (s)

( With prayer for interim relief and office report )  
( For Final Disposal )

Date : 17/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Guntur Prabhakar,Adv.  
Ms. T. Anamika,Adv.

For Respondent (s) Mr. K. Maruthi Rao,Adv.  
Mrs. K. Radha,Adv.  
Mrs. Anjani Aiyagari,Adv.

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

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.SP2

Learned counsel for the parties addressed the Court  
for about ten minutes.

Leave granted.

The appeal is allowed in terms of the signed order  
with no order as to the costs.

.SP1

(Neena Verma)  
Court Master

(Radha Rani Bhatia)  
Court Master

Signed order is placed on the file.

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2794 OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(@ Special Leave Petition (C) No.26/2001)

The Land Acquisition Officer, Andhra Pradesh .... Appellant

Versus

Y. Ram Reddy .... Respondent

O R D E R@@  
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Leave granted.

In a land acquisition case, the High Court has adopted capitalization method by treating the annual yield of the land at Rs.6,000/- per acre gross and Rs.3,000/- per acre net and then applying a multiplier of 10 to determine the market value. It is pointed out by the learned counsel for the appellant that there is no evidence worth the name available on the record of the case to record a finding that the land in question or similar land could fetch annual income of Rs.6,000/- per acre. From the judgment of the High Court, we do not find any evidence having been referred, much less discussed, for arriving at the finding as to the annual yield of the land. The manner in which the case has been disposed of by the High Court cannot be said to have judicially determined the issues arising in the case.

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For the foregoing reasons, the appeal is allowed. The judgment of the High Court is set aside and the case is sent back to the High Court for hearing and decision afresh in accordance with law. No order as to the costs.

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.....J.  
( R.C. LAHOTI )

.....J.  
( B.N. AGRAWAL )

New Delhi,  
April 17, 2002.