

Masipatla Raghavulu

Vs

Revenue Divisional Officer, L. A. O., Peddapalli

Civil Appeal No 5086 of 1996

(K. Ramaswamy, G. T. Nanavati JJ)

15.03.1996

JUDGMENT

1. Intervention is allowed.

2. Leave granted. We have heard learned counsel on both sides.

3. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') acquiring large extent of land for National Thermal Power Corporation, was published on September 22, 1979. The Land Acquisition Officer determined compensation @ Rs. 3,000/- per acre. On reference, the learned sub-Judge enhanced the compensation to Rs. 6,500/- per acre. On appeal, the High Court of Andhra Pradesh confirmed the order passed by the learned sub-Judge. Thus this appeal by special leave.

4. It is not in dispute that when for the same purpose another land was acquired from Maidpalli village to which Lingapur is a hamlet, the Corporation itself had taken decision to withdrawn the appeals since the compensation was less than Rs. 8,000/-. On that basis, the High Court confirmed the market value at Rs. 8,400/- per acre in Appeal Nos. 869 and 871 of 1985. In view of the fact that the Corporation itself had taken a policy decision to withdrawn the appeals where the value of the land was determined at the rate of Rs. 8,000/- per acre and less, and since the lands are situated in the hamlet of the village Maidapalli which are contiguous blocks, the determination of the compensation in respect of these lands also would be at the rate of Rs. 8,000/- per acre.

5. The appeal is accordingly allowed to the above extent. The appellant is entitled to solatium and interest on the enhanced compensation at the rates prevailing prior to the Amendment Act 68 of 1984. No costs. Appeal allowed.