

Gowramma (Smt.)

Vs

Lao-Cum-Mandal Revenue Officer, Parti Rangareddy District.

Civil Appeals Nos. 7033-34 of 1996 With Nos. 6952-53 and 6948-51 of 1996

(K. Ramaswamy, G. B. Patianaik JJ)

22.03.1996

JUDGMENT

1. Leave granted.

2. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was published on 29-8-1989 acquiring an extent of 9 acres 25 guntas of land in Pargi Town, Rangareddy District in the State of Andhra Pradesh for public purpose, namely, to provide house sites to, the weaker sections. Possession of the land was taken on 5- 6-1986 pursuant to an earlier notification which had lapsed on failure to pass the award. The Land Acquisition Officer in his award dated 25-5-1990 determined the compensation Rs 7500 per acre in respect of some lands and Rs 15,000 per acre in respect of other lands and, in addition, granted Rs 5000 for well. On reference under Section 18, the Subordinate Judge, Vikarabad in his award and decree dated 12-2-1992 determined the compensation at Rs 36 per sq. yd. He determined the value of the will at Rs 18,100. Both the State as well as the claimants filed appeals in the High Court. In three different sets of appeals, the different Division Benches followed the judgment of a learned Single Judge of that Court in Ex. A-2 in which Rs 11 per sq. yd. was determined as compensation after deductions and the same was proportionately increased to Rs 22 per sq. yd. due to time-lag. Accordingly appeals of the State were allowed and that of the claimants were dismissed in Ass Nos. 2030 and 2597 of 1992 dated 8-9-1993 and another Judgment in Ass Nos. 2024, 2028, 1662 and 1663 of 1993 and ASs Nos. 2029 and 2598 of 1992 dated 16-9-1993. Thus these appeals by special leave.

3. Shri R. Venugopal Reddy, the learned Senior Counsel appearing for the appellants contended that the reasoning adopted by the Division Benches of the High Court is not correct in law. According to the learned counsel, the lands covered in the judgments under Exs. A-3, A- 4 and A-5, in addition to Ex. A-2 also offer comparable basis for determination of the compensation. The notifications therein were issued during the period from 1976 to 1982. The different higher rates of compensation have been granted by the High Court in the appeals. The Division Bench, therefore, was not right in relying upon Ex. A-2 alone as a basis and reducing the compensation to Rs 22 per sq. yd. He has placed before us the site plan marked in the case as Ex. A-i. From a perusal of the site plan, it is seen that the lands bearing Survey No. 18 is adjacent to the lands bearing Survey Nos. 24/2 which are the subject-matter of the acquisition under Ex. A-2. The notification under Ex. A-2 was dated 13-4-1979. A learned Single Judge of the High Court, after taking into consideration the situation of the lands and the development, reduced the compensation to 50% of the compensation towards developmental charges and determined the compensation at Rs ii per sq. yd. That order has become final. Therefore, the Division Bench has rightly placed reliance upon that judgment and in view of the time-lag between the date of the notification under Ex. A-2 and the date of the notification in these cases has proportionately increased the compensation and fixed the market value at the rate of

Rs 22 per sq. yd. after due deductions. The lands under Ex. A-3 and Ex. A-4 are situated far away from the lands covered in Survey No. 18. Therefore, the High Court was right in not placing reliance on those judgments. Therefore, we find that there is no justification for further increase in respect of the lands covered in the first set of appeals. But with regard to the lands in Survey Nos. 271/2, 272/2 and 276/2, we find that there is no justification in awarding the same compensation at Rs 22 per square yard. It is seen that these lands are situated on the main road and in a developed area. Though Mr R. Venugopal Reddy, the learned Senior Counsel repeatedly placed reliance on the judgments of the courts in relation to Ex. A-3 and Ex. A-4, we do not find that they do offer any comparable basis to determine the compensation. But one important factor to be taken note of is that the Land Acquisition Officer himself made a distinction between the lands covered in Survey Nos. 18 and 20. While granting compensation @ Rs 7500, he had granted double the rate to these lands, namely, Rs 15,000 per acre. In other words, he had taken the potential value of these lands into consideration. It is seen that though there was not much development except partial development in the neighbourhood, these lands having been situated on the main road and abutting the developed area, on the facts and circumstances, we think that there should be a uniform rate of Rs 30 per sq. yd.

4. Accordingly, the appeals and SLPs (C) Nos. 14244-14245 and 14686/14687 of 1994 are dismissed and appeals and SLPs (C) Nos. 16244- 16247 of 1994 are allowed and the market value is determined at Rs 30 per sq. yd. in respect of all the lands. The claimants are entitled to the benefits under Sections 28, 23(2) and 23(1-A) of the Act of the enhanced solatium, interest and additional amount @ 9% p. a. for one year and @ 15% p. a. thereafter, from the date of taking possession till the date of the award. No costs.