

# SUPREME COURT OF INDIA

Adavala Sathaiah

Vs.

The Special Dy. Collector, Land Acquisition Unit I

(K Ramaswamy and G Nanavati JJ.)

26.11.1996

## ORDER

Respondent Nos.2, 3, 5, 6, 11 to 14 and 18 have left their respective places without any instructions as per endorsement made by the Postal authorities. Under these circumstances, notice on them is not necessary. Regarding respondent Nos.4, 7 to 10, 15 to 17 and 19 to 20, it is stated that neither unserved envelopes nor A.D. Cards have been received back by the Registry. Under these circumstances, they must be deemed to have been served. Even though the petitioners succeed, these respondents cannot get the same benefit because they did not challenge the award. They being pro forma respondents, notice on them is not necessary.

Leave granted.

Heard learned counsel on both sides. This appeal by special leave arises from the judgment and decree of the A.P. High Court, made on March 3, 1992 in the Appeal No.2660/85. A notification under Section 4(1) of the Land Acquisition Act, 1894 was published on December 8, 1979, acquiring 71 acres 12 cents of land for the public purpose, namely, erection of National Thermal Power Corporation. The Land Acquisition Officer awarded Rs.4,000/- and Rs.4,500/- per acre for Group I and Group II of the lands. On reference, the Subordinate Judge enhanced the compensation to Rs.10,000/- and Rs.11,500/- per acre for Group I and Group II respectively. On appeal, the High Court set aside the judgment and remanded the matter to the trial Court for reconsideration. Thus this appeal by special leave.

It is seen that all the lands were agricultural lands at the time of acquisition and their prevailing market value varies between Rs.6,000/- to Rs.6,500/- per acre. Under these circumstances, it would be just and proper if the compensation is fixed at Rs.6,000/- per acre uniformly to all the lands. It is ordered accordingly. The appeal is allowed. No costs.