

SUPREME COURT OF INDIA

Sub Collector (L.A.O.) Tenali

Vs.

Manepalli N. Rao Etc

C.A.No.4733-4735 of 1999

(Shivaraj V. Patil and B. N. Srikrishna JJ.)

22.09.2004

JUDGMENT

S.V.Patil, J.

1. Certain lands were acquired by the State for the purpose of establishment of agricultural market yard pursuant to the Notification dated 12.8.1980 issued under Section 4(1) of the *Land Acquisition Act, 1894*. The Land Acquisition Officer fixed the market value at the rate of Rs. 14, 400 per acre, on the basis of Ex.A-2, a sale deed dated 11.6.1979 and other material available. Claimants sought reference under Section 18 of the Act seeking enhancement of compensation. Reference court fixed the market value at the rate of Rs. 17, 000/- per acre. Still not satisfied, the claimants approached the High Court by filing an appeal. The High Court by the impugned judgment fixed the market value at the rate of Rs. 50, 000/- per acre after making deduction of 1/3rd towards developmental charges awarded compensation at the rate of Rs.33, 400/- per acre. The State is, in appeal, aggrieved by the impugned judgment.

2. The respondents are neither present, nor represented.

3. The learned counsel for the appellant, at the very outset, brought to our notice that the High Court in A.S. No. 2017 of 1989 determined the market value of one of the lands acquired under the same Notification at the rate of Rs. 20, 000/- per acre. He submitted that all things being almost identical, the High Court was not right and justified in determining the market value of the land covered by the impugned judgment at the rate of Rs. 33, 400/- per acre. We have perused the judgment in A.S. No. 2017 of 1989. It appears to us that in all respects the lands covered by impugned judgment as well as the judgment in A.S. No. 2017 of 1989 are similarly placed; they were acquired pursuant to the same Notification for the same purpose. Further, in the impugned judgment the High Court has not given reasons in support of its conclusions as to on what basis the market value of the land could be fixed at the rate of Rs. 50, 000/- per acre, particularly, when Ex. A-2, a sale deed dated 11.6.1979 shows that an area of 1.35 cents of land was sold for consideration of Rs. 19, 500/-. This

being the position, the market value fixed at the rate of Rs. 20, 000/- per acre in the judgment in A.S.No.2017 of 1989 is appropriate.

4. Under the circumstances, the impugned judgment is required to be modified. The market value of the land covered by the impugned judgment is determined at the rate of Rs. 20, 000/- per acre. The impugned judgment stands modified accordingly. We also make it clear that the respondents shall be entitled to the statutory benefits. The appeal is disposed of accordingly. No order as to costs.