

SUPREME COURT OF INDIA

Bommineni Sanjeeva Reddy

Vs.

The Land Acquisition Officer

C.A.Nos.2850-2852 of 2001

(B.N. Agrawal and G.S. Singhvi JJ.)

25.03.2009

ORDER

1. By notifications issued under Section 4 of the *Land Acquisition Act, 1894* [hereinafter referred to as "the Act"], the Government of Andhra Pradesh acquired lands of the appellants in different villages of Warangal district for construction of the canals of Sriramsagar Project. The Land Acquisition Officer awarded compensation @ Rs.11,200/- per acre for dry lands and Rs.14,000/- per acre for wet lands. On the applications filed by the appellants under Section 18 of the Act, the reference court, after considering the evidence produced by the parties including the award made in relation to similar acquisition, enhanced the compensation from Rs.11,200/- to Rs. 22,500/- per acre for the dry lands and from Rs. 14,000/- to Rs.25,000/- per acre for the wet lands.

2. The Land Acquisition Officer challenged the orders of the reference court in A.S. Nos. 594/1999 and 837/1999 respectively. The appellants herein filed cross-objections for further enhancement of compensation. By the impugned order, the High Court dismissed the appeals and cross-objections. Hence, these appeals by special leave.

3. During the pendency of these appeals, the appellants filed I.A. Nos. 5-7 of 2008 for producing additional evidence in the form of judgments (marked as Annexures-P1 to P6 and P8) rendered by the High Court in cases involving award of compensation in lieu of acquisition of land for construction of different canals of Sriramsagar Project, four orders passed by this Court in special leave petitions filed against the judgments of the High Court and copy of G.O.Ms. No.56 dated 23.4.2002 issued by the State Government for payment of compensation of the land acquired for construction by Sriramsagar Project - Flood Flow Canal.

4. We have heard learned counsel for the parties.

5. A perusal of the documents filed with IA Nos. 5-7/2008 shows that by judgments (Annexure-P3 to P6) dated 18.7.2001, 5.10.2001, 7.11.2001, different Division Benches of the High Court allowed the appeals filed by the landowners, whose lands were acquired by

notifications issued under Section 4 of the Act in 1987 and early 1988 and enhanced the compensation payable to them from Rs.22,500/- to Rs.40,000/- per acre for dry lands and from Rs.25,000/- to Rs.42,000/- per acre for the wet lands. Annexure P-13 is the copy of order dated 18.11.2005 passed by this Court in Special Leave Petition) Nos. 21065-21071 of 2003 whereby this Court enhanced the compensation payable to the landowners to Rs.40,000/- per acre for the dry lands and Rs.42,000/- per acre for the wet lands.

6. Since, the lands of the appellants were acquired in the year 1985 whereas the cases in which higher compensation was awarded (almost two times the compensation awarded to the appellants), acquisitions were made in 1987 and early part of 1988, we feel that ends of justice would be met if the compensation payable to the appellants is enhanced and fixed @ Rs.35,000/- per acre for the dry lands and Rs.37,000/- per acre for the wet lands.

7. Accordingly, the appeals are allowed in part. The compensation payable to the appellants in lieu of acquisition of their land is enhanced in the manner indicated above and the respondents are directed to pay enhanced compensation, i.e., @ Rs.35,000/- per acre for dry lands and Rs.37,000/- per acre for the wet lands to the appellants, who shall also be entitled to consequential benefits under the Act.

8. Heard learned counsel for the parties. We do not find any ground to interfere with the impugned order. The civil appeal is, accordingly, dismissed.

No costs.