

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS.22-23 OF 2001

C. Laxma Reddy and Ors.

...Appellant(s)

Versus

**Land Acquisition Officer (M.R.O.),
Farooqnagar, A.P.**

...Respondent(s)

O R D E R

1. Heard learned counsel for the parties.
2. In these appeals, lands of two villages, namely, Lingareddiguda and Chatanpalli, were acquired. The Land Acquisition Officer awarded compensation at the rate of Rupees fifteen thousand per acre for Lingareddiguda village and Rupees twenty thousand per acre for Chintapalli village. On a petition filed under Section 18 of the Land Acquisition Act, the Reference Court, by relying upon documents, Exhibits A-6 to A-9 came to the conclusion that market value of the acquired land was Rupees fifty per square yard. He then deducted 1/3rd towards development charges and 1/5th on account of the fact that the lands were situated in the Panchayat area and awarded compensation at the rate of Rupees twenty seven per square yard with other benefits admissible under the statute.

...2/-

3. Feeling dissatisfied with the award of the Reference Court, the Land Acquisition Officer filed appeal before the High Court which remitted the matter to the Reference Court for fresh determination of the compensation payable to the land owners. That order was set aside by this Court in Civil Appeal Nos. 709-710 of 1999 and the High Court was asked to redecide the appeal on merits. Thereafter, the High Court partly allowed the appeal of the Land Acquisition Officer and fixed the amount of compensation at the rate of Rupees twenty four thousand per acre. For doing so, the High Court relied on the observations made by the Land Acquisition Officer that during 1989 a piece of land measuring two acres was sold at the rate of Rupees thirty three thousand per acre. Undisputedly, no document was exhibited on behalf of the State to prove that the land measuring two acres was sold at the rate of Rupees thirty three thousand per acre. It is thus clear that no evidence was adduced on behalf of the State regarding the market value of the acquired land. This being the position, the High Court was not at all justified in fixing the compensation of the acquired land at the rate of Rupees twenty four thousand per acre and modifying the award made by the Reference Court.

4. Accordingly, the appeals are allowed, impugned order rendered by the High Court is set aside and the award passed by the Reference Court is restored. No costs.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
December 10, 2008.