

MASIPATLA RAGHAVULU

v.

THE REVENUE DIVISIONAL OFFICER, LAO, PEDDAPALLI

MARCH 15, 1996

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

*Land Acquisition Act, 1894 : Section 4(1).*

*Land Acquisition—Acquisition of land for National Thermal Power Corporation—Compensation by Land Acquisition Officer @ Rs. 3,000 per acre—Enhancement by Sub-Judge @ Rs. 6,500 per acre—Order passed by Sub-Judge confirmed by High Court—Appeal—In respect of another land acquired for same purpose policy decision of Corporation to withdraw appeals if compensation was Rs. 8,000 or less for per acre—Held land acquired being in contiguous zone compensation for such land determined @ Rs. 8,000 per acre—Landowners also held entitled to solatium and interest at the rates prevailing prior to Amendment Act 68 of 1984.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5086 of 1996.

From the Judgment and Order dated 12.2.92 of the Andhra Pradesh High Court in A. No 2196 of 1989.

D. Prakash Reddy and Ms. Rani Chhabra for the Appellants.

G. Prabhakar and K.C. Dua for the Respondents.

The following Order of the Court was delivered :

Intervention is allowed.

Leave granted. We have heard learned counsel on both sides.

Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short, the 'Act') acquiring large extent of land for National Thermal Power Corporation, was published on September 22, 1979. The Land Acquisition Officer determined compensation @ Rs.3,000 per acre. On reference, the learned sub-Judge enhanced the compensation to Rs. 6,500 per acre. On appeal, the High Court of Andhra Pradesh confirmed the

order passed by the learned sub-Judge. Thus this appeal by special leave.

It is not in dispute that when for the same purpose another land was acquired from Maidpalli village to which Lingapur is a hamlet, the Corporation itself had taken decision to withdraw the appeals since the compensation was less than Rs. 8,000. On that basis, the High Court confirmed the market value at Rs. 8,400 per acre in Appeal Nos. 869 and 871 of 1985. In view of the fact that the Corporation itself had taken a policy decision to withdraw the appeals where the value of the land was determined at the rate of Rs. 8,000 per acre and less, and since the lands are situated in the hamlet of the main village Maidpalli which are contiguous blocks, the determination of the compensation in respect of these lands also would be at the rate of Rs. 8,000 per acre.

The appeal is accordingly allowed to the above extent. The appellant is entitled to solatium and interest on the enhanced compensation at the rates prevailing prior to the Amendment Act 68 of 1984. No costs.

Appeal allowed.