

ADAVALA SATHAIAH AND ORS.

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v.

THE SPECIAL DY. COLLECTOR,
LAND ACQUISITION UNIT I AND ORS.

NOVEMBER 26, 1996

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

Land Acquisition Act, 1894 :

Land acquisition—Compensation—Determination of—Land acquisition for erection of National Thermal Power Corporation—Award for compensation by Land Acquisition Officer @ Rs. 4000 and Rs. 4500 per acre for Group I and Group II respectively—Enhancement of compensation by Reference Court to Rs. 10,000 and Rs. 11,500 for Group I and II respectively—High Court remanded the matter to Trial Court for reconsideration—Appeal—Held, 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—Held, just and proper compensation in the circumstances would be @ Rs. 6000 per acre uniformly for all the lands.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 15487 of 1996.

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From the Judgment and Order dated 3.3.92 of the Andhra Pradesh High Court in A. No. 2660 of 1985.

A. Subba Rao and Annam D.N. Rao for the Appellants.

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

The following Order of the Court was delivered :

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 can-

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A not 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.

B 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.

C The Land Acquisition Officer awarded Rs. 4000 and Rs. 4500 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.

D Thus this appeal by special leave.

E 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.

T.N.A.

Appeal allowed.