

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**  
**And**  
**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**LAAS No.347 of 2013 and 325 of 2018**

**COMMON JUDGMENT:** *(Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

**Introductory:-**

[i] These Appeals are filed under Section 54 of the Land Acquisition Act, 1894 [for short 'the Act' ] and directed against the orders dated 28.02.2013 passed in LAOP No.23 of 2005 by the learned Senior Civil Judge, Nuzvid.

[ii] The Special Deputy Collector (L.A.) and Land Acquisition Officer, Vijayawada, who made reference under Section 18 of the Land Acquisition Act, 1894 is the appellant in LAAS No.347 of 2013 and the appeal in LAAS No.325 of 2018 is filed by the claimant /*Patapanchula Narasimha Rao*.

2. Questioning the compensation fixed as excessive, the Referring Officer has filed the appeal, whereas questioning the compensation awarded as inadequate and insufficient, the claimant has filed the appeal.

3. For the sake of convenience, parties will be referred to as 'the claimant' and referring officer.

4. [i] For the construction of Booster Station by the Gas Authority of India Ltd., Vijayawada, land measuring Ac.23.36 cents in G. Konduru village was acquired under award No.1/2003, dated 02.08.2003, the Land Acquisition Officer fixed the compensation of Rs.1,00,000/- per acre for certain lands and Rs.1,25,000/- per acre for certain other lands, apart from other incidental benefits.

[ii] Considering the protest of the claimant as to inadequacy of compensation and the price fixed and also the objection as to non-consideration of crop etc., reference was made in terms of section 18 of the land Acquisition Act.

**Case of the claimant :-**

5. [i] The land of claimant/Patapanchala Narasimha Rao, in an extent of Ac.2.32 cents out of total extent of Ac.3.31 cents in R.S.No. in R.S.No.244/1 of G.Konduru village, was acquired and he was cultivating cotton crop in an extent of Ac.0.60 cents and drumstick crop in Ac.1.63cents.

[ii] Land Acquisition Officer failed to consider the circumstances and mechanically fixed the compensation, which is very low.

[iii] The land fetched @Rs.16,00,000/- per acre, when it is sold as residential plots, in surrounding areas.

[iv] Minimum value of the land cost is @Rs.12,50,000/- which was ignored.

[v] Advance possession was taken.

[vi] As promised employment was not provided to the claimant.

[vii] Compensation fixed for the crop @Rs.60,510/- is also very low.

[viii] The claimant is entitled for compensation for the land @Rs.5,00,000/- per acre as minimum and more than what is awarded for standing crop, trees and plants.

#### **Case of the Land Acquisition Officer:-**

6. [i] The amounts referred by the claimant are exaggerated.

[ii] The sale transactions in the village for the relevant period were rightly considered, covering the years 1999 to 2002.

[iii] Registration statistics for (3) years preceding the last date of publication of notification under Section 4(1) of the Land Acquisition Act, was considered.

[iv] Two sales in the year 1999, 34 sales in the year 2000, 27 sales in the year 2001, 16 sales in the year 2002, were considered and the market value was fixed @Rs.1,25,000/- per acre in respect of the lands nearer to the road and Rs.1,00,000/- per acre in respect of the lands away from the road.

[v] As per the basic register maintained by the Sub-Registrar, the value of the land is Rs.40,000/- per acre.

[vi] The rates of cotton paddy, para grass, Deenanadh grass, green gram, red gram and black gram were obtained from the Assistant Director of agriculture and for drumstick crop, opinion was given by the Commissioner and Director of Horticulture, A.P.. The land value and solatium and additional allowances, compensation, value of trees etc., fixed are at reasonable.

**Findings of the Referral Court:-**

7. [i] As per the evidence of witnesses, the acquired land is up level dry land and it is suitable for house sites.

[ii] In respect of certain lands the sale transactions is ranging around Rs.9,68,000/- per acre. Since the said sales are in respect of small extent, the same cannot be the basis.

[iii] Certain lands were sold in square yards. The sales covered by certain sale deeds referred by the claimants are at a distance of 2 to 3 meters vide R.S.No.247/1B, but the Land Acquisition Officer has not taken the same into consideration.

[iv] In respect of the lands in R.S.No.212, price was shown at Rs.16,00,000/- but they are at a distance of 220 meters. In respect of some

lands covered by R.S.No.246, the value is at Rs.7,26,000/- per acre. It is in respect of Rs.716 Sq.Yards.

[v] Certain lands surrounding acquired land were developed as house plots and in some lands houses are constructed.

[vi] The evidence of parties indicating that the value of lands near the vicinity are shown at Rs.200/- per Sq.yard. Then the value may come to Rs.9,68,000/- per acre but as they are small extent sales they cannot be the exclusive basis. However, with the evidence placed by the claimants, the value of the land is acceptable @Rs.5,00,000/- per annum. Accordingly, the value fixed at either Rs.1,25,000/- or Rs.1,00,000/- per acre by the Land Acquisition Officer, is enhanced to Rs.5,00,000/-. Therefore, the claimant is entitled for Rs.5,00,000/- per acre and the incidental benefits as per the law laid down in AIR 2001 (SC) 3516.

### **Arguments in the appeal:-**

#### **8. For the Referring Officer/Land Acquisition Officer :-**

- (i) The Referral Court erred in enhancing the compensation.
- (ii) There is no rationality in arriving the compensation @Rs.5,00,000/- as against Rs.1,00,000/- and Rs.1,25,000/- fixed by the Land Acquisition Officer.

- (iii) The lands acquired are agricultural lands whereas the referral Court has taken the value of lands sold in small pieces in Sq.Yards
- (iv) The assessment of the Land Acquisition Officer is scientific and based on the sales of preceding (3) years.

**For the claimants:-**

9. [i] The Referral Court should have allowed the total relief, as prayed for.

[ii] The dismissal of the claim for enhancement in respect of standing crop and drumstick plant is not rational.

[iii] Referral Court should have considered, Ex.X1- the crop compensation Certificate issued by the competent authority, Special Grade Deputy Collector, HPDCL, Tadepalli, Guntur.

[iv] The Referral Court should have considered that the compensation paid by the Referral authority for the drumstick plant is not fair and not sufficient.

[v] The referral Court should have considered at the time of taking possession, the cotton crop compensation is not paid.

[vi] Claimants are entitled for interest on the land value from the date of taking possession.

10. Heard both sides extensively and perused the record.
11. Thoughtful consideration is given to the arguments advanced by both sides.
12. Points that arise for determination in these appeals are:-
  - 1) Whether the compensation fixed by the Referral Court viz. Senior Civil Judge, Nuzvid under the decree and order dated 28.02.2013 in L.A.O.P.No.23 of 2005 is just and reasonable? Or require any modification of either enhancement or reduction? If so, to what extent and on what grounds?
  - 2) What is the result of L.A.A.S. No.325 of 2018?
  - 3) What is the result of L.A.A.S.No.347 of 2013?

**Point No.1:**

**Importance of date of taking possession:-**

13. Learned counsel for the claimant would submit that the compensation awarded is inadequate and the claimant is entitled for interest on the land value from the date of taking possession, and that the possession was taken prior to notification under Section 4 (1) of the Act.

14. Answering this contention, it is submitted for the Referral Officer that when the compensation is paid from the date of taking of possession, the claim for interest for the pre-notification period is not tenable.

15. In this context, this Court finds it proper to refer the observations of Hon'ble Apex Court -

[i] in *R.L. Jain v. DDA*<sup>1</sup> vide paragraphs 12 and 18, which reads as follows:

“12. The expression “the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited” should not be read in isolation divorced from its context. The words “such compensation” and “so taking possession” are important and have to be given meaning in the light of other provisions of the Act. “Such compensation” would mean the compensation determined in accordance with other provisions of the Act, namely, Sections 11 and 15 of the Act which by virtue of Section 23(1) mean market value of the land on the date of notification under Section 4(1) and other amounts like statutory sum under sub-section (1-A) and solatium under sub-section (2) of Section 23. The heading of Part II of the Act is “Acquisition” and there is a sub-heading “Taking Possession” which contains Sections 16 and 17 of the Act. The words “so taking possession” would therefore mean taking possession in accordance with Section 16 or 17 of the Act. These are the only two sections in the Act which specifically deal with the subject of taking possession of the acquired land. Clearly, the stage for taking possession under the aforesaid provisions would be reached only after publication of the notification under Sections 4(1) and 9(1) of the Act. If possession is taken prior to the issuance of the notification under Section 4(1) it would not be in accordance with Section 16 or 17 and will be without any authority of law and consequently cannot be recognised for the purposes of the Act. For parity of reasons the words “from the date on which he took possession of the land” occurring in Section 28 of the Act would also mean lawful taking of possession in accordance with Section 16 or 17 of the Act. The words “so taking possession” can under no circumstances mean such dispossession of the owner of the land which has been done prior to

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<sup>1</sup> (2004) 4 SCC 79 : 2004 SCC OnLine SC 319 at page 90

publication of notification under Section 4(1) of the Act which is dehors the provisions of the Act.

.....

18. In a case where the landowner is dispossessed prior to the issuance of preliminary notification under Section 4(1) of the Act the Government merely takes possession of the land but the title thereof continues to vest with the landowner. It is fully open for the landowner to recover the possession of his land by taking appropriate legal proceedings. He is therefore only entitled to get rent or damages for use and occupation for the period the Government retains possession of the property. Where possession is taken prior to the issuance of the preliminary notification, in our opinion, it will be just and equitable that the Collector may also determine the rent or damages for use of the property to which the landowner is entitled while determining the compensation amount payable to the landowner for the acquisition of the property. The provisions of Section 48 of the Act lend support to such a course of action. For delayed payment of such amount appropriate interest at prevailing bank rate may be awarded.”

[ii] The observations of a Division Bench of the Hon'ble High Court for the State of Telangana at Hyderabad, in a case between **Special Deputy Collector & Land Acquisition Officer SRSP L. A. Unit, Warangal and Myakala Veera Reddy and Others**<sup>2</sup> vide para 11 to 17 and 21 of the judgment, reads as follows:

“11. It is needless to observe that the contentions raised by parties are no more res integra. A three-Judges Bench of the Apex Court in case of Siddappa Vasappa Kuri v. Special Land Acquisition Officer, (2002) 1 SCC 142, having considered the conflicting decisions in Special Tahsildar (LA), P.W.D. Schemes v. M.A. Jabbar, (1995) 2 SCC 142 and Asst. Commr., Gadag Sub-Division v.

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<sup>2</sup> 2022 (6) ALD 531 (TS) (DB)

Mathapathi Basavanneewa, (1995) 6 SCC 355, held that when the possession is anterior to the notification or under valid notification, the benefit under Section 23(1-A) of the Act shall be from the date of notification to the date of Award. In the said judgment, the Apex Court has interpreted Section 23(1-A) of the Act by holding that the commencement of benefits under Section 23(1-A) is from the date of issuance of preliminary notification and the terminal point is either date of Award or the taking possession of the land, whichever is earlier. Since the possession is not under the Act, the terminal point is not available to grant the benefits. Therefore, the terminal point is taken as the date of Award. This settled legal position is not serious in dispute. Therefore, the respondents are entitled for the benefits under Section 23(1-A) of the Act from the date of notifications to the date of Award towards additional market value on the market value fixed under Section 23(1) of the Act.

12. The next question is what is the date to be taken into consideration for grant of benefits under Section 34 or 28 of the Act when the possession is anterior to the notification or under valid notification. This question is also resolved by a three-Judge Bench of the Apex Court in case of R.L.Jain v. DDA, (2004) 4 SCC 79. In paragraphs 11 and 12 of the said judgment, the Apex Court has extensively dealt with the procedure under the Act for taking possession of notified land and vesting of the title with the Government. The relevant portion of the judgment reads as under:

“11. In order to decide the question whether the provisions of Section 34 of the Act regarding payment of interest would be applicable to a case where possession has been taken over prior to issuance of notification under Section 4(1) of the Act it is necessary to have a look at the Scheme of the Land Acquisition Act. Acquisition means taking not by voluntary agreement but by authority of an Act of Parliament and by virtue of the compulsory powers thereby conferred. In case of acquisition the property is taken by the State permanently and the title to the property vests in the State. The Land Acquisition Act makes complete provision for acquiring title over the land, taking possession thereof and for payment of compensation to the land owner. Part II of the Act deals with acquisition and the heading of Section 4 is "Publication of preliminary notification and powers of officers thereupon". Sub-section (1) of Section 4 provides that whenever it appears to the appropriate government that land in any locality is needed or is likely to be needed for any public purpose or for a company, a notification to that effect shall be published in the

Official Gazette and in two daily newspapers circulating in that locality and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality. Sub-section (2) provides that thereupon it shall be lawful for any officer either generally or specially authorised by such Government in this behalf and for his servants and workmen, to enter upon and survey and take levels of any land in such locality, to dig or bore in the subsoil and to do all other acts necessary to ascertain whether the land is adapted for such purpose etc. etc. This provision shows that the officers and servants and workmen of the government get the lawful authority to enter upon and survey the land and to do other works only after the preliminary notification under Section 4(1) has been published. Section 5A enables a person interested in any land which has been notified under Section 4 (1) to file objection against the acquisition of the land and also for hearing of the objection by the Collector. If the State Government is satisfied, after considering the report, that any particular land is needed for public purposes or for a company, it can make a declaration to that effect under Section 6 of the Act and the said declaration has to be published in the Official Gazette and in two daily newspapers and public notice of the substance of such declaration has to be given in the locality. Thereafter the Collector is required to issue notice to persons interested under Section 9 (1) of the Act stating that the Government intends to take possession of the land and that claims to compensation for all interests in such land may be made to him. Section 11 provides for making of an award by the Collector of the compensation which should be allowed for the land. Section 16 provides that when the Collector has made an award under Section 11, he may take possession of the land which shall thereupon vest absolutely in the Government, free from all encumbrances. This provision shows that possession of the land can be taken only after the Collector has made an award under Section 11. Section 17 is in the nature of an exception to Section 16 and it provides that in cases of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in Section 9 (1), take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances. The urgency provision contained in Section 17(1) can be invoked and possession can be taken over only after publication of notification under Section 9(1) which itself can be done after publication of notification under Sections 4(1) and 6 of the Act. Even here in view of subsection (3-A) the Collector has to tender 80 per cent of the estimated amount of compensation to the persons interested entitled thereto

before taking over possession. The scheme of the Act does not contemplate taking over of possession prior to the issuance of notification under Section 4(1) of the Act and if possession is taken prior to the said notification it will de hors the Act. It is for this reason that both Sections 11(1) and 23(1) enjoin the determination of the market value of the land on the date of publication of notification under Section 4(1) of the Act for the purpose of determining the amount of compensation to be awarded for the land acquired under the Act. These provisions show in unmistakable terms that publication of notification under Section 4(1) is the sine-qua-non for any proceedings under the Act Section 34 of the Act, on the basis whereof the appellant laid claim for interest, reads as under:

'34. Payment of Interest: When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited.

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.'

12. The expression "the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited" should not be read in isolation divorced from its context. The words "such possession" and "so taking possession" are important and have to be given meaning in the light of other provisions of the Act. "Such compensation" would mean the compensation determined in accordance with other provisions of the Act, namely, Sections 11 and 15 of the Act which by virtue of Section 23(1) mean market value of the land on the date of notification under Section 4(1) and other amounts like statutory sum under sub-section (1-A) and solatium under Sub-section (2) of Section 23. The heading of Part II of the Act is Acquisition and there is a sub-heading "Taking Possession" which contains Sections 16 and 17 of the Act. The words "so taking possession" would therefore mean taking possession in accordance with Sections 16 or 17 of the Act. These are the only two Sections in the Act which specifically deal with the subject of taking possession of the acquired land. Clearly the stage for taking possession under the aforesaid provisions would be reached only after publication of the notification under Sections 4(1) and 9(1) of the

Act. If possession is taken prior to the issuance of the notification under Section 4(1) it would not be in accordance with Sections 16 or 17 and will be without any authority of law and consequently cannot be recognised for the purposes of the Act. For the parity of reasons the words "from the date on which he took possession of the land" occurring in Section 28 of the Act would also mean lawful taking of possession in accordance with Sections 16 or 17 of the Act. The words "so taking possession" can under no circumstances mean such dispossession of the owner of the land which has been done prior to publication of notification under Section 4(1) of the Act which is dehors the provisions of the Act."

13. A reading of the above judgment, it is clear that under the Act, the valid possession can only be either under Section 17 of the Act by invoking urgency clause or under Section 16 of the Act after passing of the Award. Any possession prior to the preliminary notification issued under Section 4(1) of the Act or under invalid notification is not the valid possession under the Act. Therefore, the benefits contemplated either under Section 34 or 28 of the Act are not from the date of possession which is prior to the notification. Any possession which is not in terms of the Act is not valid possession and the statutory benefits of the Act are not extendable for the said invalid possession held by the Government.

14. Now the question is whether the owners of the land are compensated for the period of invalid possession retained by the Government without support of the Act or under the invalid proceedings issued under the Act?"

15. In this regard, it is relevant to refer to the judgment of the Apex Court in R.L.Jain's case (supra), wherein it has been held as follows:

"18. In a case where the land owner is dispossessed prior to the issuance of preliminary notification under Section 4(1) of the Act the government merely takes possession of the land but the title thereof continues to vest with the land owner. It is fully open for the land owner to recover the possession of his land by taking appropriate legal proceedings. He is therefore only entitled to get rent or damages for use and occupation for the period the government retains possession of the property. Where possession is taken prior to the issuance of the preliminary notification, in our opinion, it will be just and equitable that the Collector may also determine the rent or damages for use of the property to which the land owner is entitled while determining the compensation amount payable to the land owner for the acquisition of the property. The

provision of Section 48 of the Act lends support to such a course of action. For delayed payment of such amount appropriate interest at prevailing bank rate may be awarded.”

16. *A reading of the above judgment would show that where the land owners are dispossessed prior to valid notification or on strength of invalid notifications, the Government only takes possession and title still vests with land owners and they are entitled to recover possession through legal process. Such land owners are entitled to get rent or damages for use and occupation for the period the Government retains such possession. In such a situation, the Collector may also determine just and equitable rent or damages for use and occupation of the property, while determining the compensation amount payable to the land owner for acquisition of the property.*

17. *The Apex Court, having observed so in the said case, has not granted any relief for retention of such possession by the Government for the reason that the land owner therein was sufficiently compensated even before fresh proceedings were instituted, and that even under the fresh proceedings, sufficient compensation has been determined and paid to the land owner*

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21. *As held by the Apex Court in R.L.Jain’s case (supra), the valid possession under the Act is either under Section 17 (when urgency clause is invoked) or under Section 16 of the Act. Where urgency clause is invoked, the Government has right to take possession of the land after 15 days from the date of issuance of notices under Section 9(1) of the Act to the land owners. When the urgency clause is not invoked, the Government has right to take possession under Section 16 of the Act after passing of Award. However, in all the said decisions, the Hon’ble Benches of the Apex Court in Madishetti Bala Ramul’s case (supra), Tahera Khotoon’s case (supra) and Hemanagouda’s case (supra), have restricted the terminal point for payment of 15% additional amount upto the notification only, but have not specifically declared that it should be upto notification under Section 4(1) of the Act only or contrary to R.L.Jain’s case (supra).”*

16. In the present case also the date of taking possession and the date of notification are different. As per the award, the possession was taken on 27.09.2002 in the presence of GAIL officials, Mandal Revenue Officer,

G.Konduru, Deputy Tahsildar, GAIL, Retired Dy..Surveyor, Mandal Surveyor, G.Konduru etc., in an extent of 20.18 ½ acres and 3.17 ½ acres on 05.10.2002, whereas award is passed on 02.08.2003. It is submitted for the Referral Officer that the compensation is awarded from the date of taking possession; notification is subsequent and award followed the notification, therefore, there cannot be any grievance for the claimant. However, the possession is taken in advance. Mere payment of compensation at a subsequent date would not work as paying adequate compensation. As per the principle lay down in the authorities referred above, we are of the view that the claimant is entitled for interest also on the compensation amount from the date of taking possession. Therefore, the claimant is entitled for interest @9% p.a. from the date of taking possession of the land, in terms of the observations of the Hon'ble Apex Court in **R.L.Jain's case (supra)**,, we find merits in the contention of learned counsel for claimant(s) in that regard.

**Quantum of compensation:-**

17. The Hon'ble Apex Court in **Shaji Kuriakose v. Indian Oil Corpn. Ltd.**,<sup>3</sup> vide para 3 referred to the factors which are required to be considered while awarding the compensation in land acquisition matters and the method of valuation, the observations are as follows:

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<sup>3</sup> (2001) 7 SCC 650

“3. It is no doubt true that courts adopt comparable sales method of valuation of land while fixing the market value of the acquired land. While fixing the market value of the acquired land, comparable sales method of valuation is preferred than other methods of valuation of land such as capitalisation of net income method or expert opinion method. Comparable sales method of valuation is preferred because it furnishes the evidence for determination of the market value of the acquired land at which a willing purchaser would pay for the acquired land if it had been sold in the open market at the time of issue of notification under Section 4 of the Act. However, comparable sales method of valuation of land for fixing the market value of the acquired land is not always conclusive. There are certain factors which are required to be fulfilled and on fulfilment of those factors the compensation can be awarded, according to the value of the land reflected in the sales. The factors laid down inter alia are: (1) the sale must be a genuine transaction, (2) that the sale deed must have been executed at the time proximate to the date of issue of notification under Section 4 of the Act, (3) that the land covered by the sale must be in the vicinity of the acquired land, (4) that the land covered by the sales must be similar to the acquired land, and (5) that the size of plot of the land covered by the sales be comparable to the land acquired. If all these factors are satisfied, then there is no reason why the sale value of the land covered by the sales be not given for the acquired land. However, if there is a dissimilarity in regard to locality, shape, site or nature of land between land covered by sales and land acquired, it is open to the court to proportionately reduce the compensation for acquired land than what is reflected in the sales depending upon the disadvantages attached with the acquired land. ....”

18. As per the evidence of witnesses, the acquired land is an up level land suitable for house constructions and even by the time of acquisition of land, there is reasonable development and the lands were sold in the form of plots, and certain houses were also constructed. The land is not totally commercial

and developed, nor it can be considered as unuseful land. Even as per the sale transactions referred by the Land Acquisition Officer in the award, in respect of certain lands the land value is ranging up to Rs.10,00,000/- per acre, and in respect of some lands may be the sales are less in extent. However, in respect of certain lands viz., the value is around or even exceeds Rs.5,00,000/- per acre, particularly in respect of R.S.No.245, which appears to be nearer to R.S.Nos.244, 247 and 248. The value of the land in respect of some R.S. Numbers under acquisition is shown around ₹5,00,000/- per acre in some sales. Therefore, the fixation of land value by the learned Referral Court cannot be found fault.

19. With regard to quantification of compensation per acre, the parameters adopted by the learned Referral Court are:

- 1) By the time of acquisition itself, there is demand for land.
- 2) The sales would show that there were need for house sites.
- 3) The fact of selling the land in square yards in the near vicinity would suggest that the lands acquired are likely to meet purpose of the house site also.
- 4) The value of the trees etc., the referral authority has considered properly, by seeking the information from the concerned department like Horticulture and other departments.

20. Learned Referral Court recorded reasons as to accepting the basis on which the value is fixed in respect of the trees, crop, bore wells etc. No other basis or evidence is found to take contra view. Therefore, the findings of the learned referral Court with regard to enhancement of the compensation fixed either for the crop or for the trees etc. does not warrant any interference. However, with regard to entitlement of the claimant for the interest @9% p.a. on the land value from the date of taking possession till 4(1) notification, the appeal of the claimant is found fit to be allowed while confirming the order and decree, dated 28.02.2013 passed by the learned Referral Court in all other respects.

21. In the light of the above discussion and the reasons stated above, the impugned order and decree dated 28.02.2013 passed by the learned Senior Civil Judge, Nuzvid in LAOP No.23 of 2005 and the compensation awarded thereunder found as just and reasonable, save the entitlement of the claimant to interest on the land value from the date of taking possession till the date of notification. Therefore, the impugned order dated 28.02.2013 requires modification to that extent. Point No.1 is answered accordingly.

**Points No.2 and 3:-**

22. In view of the aforestated reasons and conclusions drawn under Point No.1  
**in the result,**

(a) **LAAS No.325 of 2018 is partly allowed.** The decree and order, dated 28.02.2013 passed by the learned Senior Civil Judge, Nuzvid in LAOP No.23 of 2005 are modified as under:-

i) Claimant is entitled to interest @9% p.a. on the land value from the date of taking possession till the date of 4(1) notification, apart from other benefits granted under the impugned order and decree.

ii) The impugned decree and order dated 28.02.2013 shall stand confirmed in all respects, except with regard to the relief relating to the claimant's entitlement to interest for the period between the date of taking possession of his land and the date of notification as mentioned above.

(b) **LAAS No.347 of 2013** stands dismissed.

(c) There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE BATTU DEVANAND**

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**JUSTICE A. HARI HARANADHA SARMA**

Date: 03.03.2026

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**THE HON'BLE SRI JUSTICE BATTU DEVANAND  
&  
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**LAND ACQUISITION APPEAL SUIT NO: 347 of 2013 and 325 of 2018**

**[common Judgement]**

Dt. 03-03-2026

Pnr