



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3526]

THURSDAY, THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

LAND ACQUISITION FIRST APPEAL No. 10/2023

BETWEEN:

Kasumuru Venkatasubba Reddy(died) Per Lr Kasumuru ...Appellant
Venkata Sesha Reddy

AND

The Special Deputy Collector and others ...Respondent(s)

Counsel for the Appellant:

1.M S R CHANDRA MURTHY

Counsel for the Respondent(S):

1.GP FOR APPEALS

The Court made the following:

JUDGMENT: *(Per Hon'ble Sri Justice Tarlada Rajasekhar Rao)*

The land of the claimant was acquired by the respondent authorities of Kandaleru Reservoir for foreshore submersion of Telugu Ganga Project. Aggrieved by the fixation of low and small amount for the trees, the appellants-claimants have received the compensation on protest and requested to refer the award to the Civil Court under Section 18 of the Land Acquisition Act 1894 (for short the Act). Accordingly, the award was referred and registered as L.A.O.P.No.31 of 1997 on the file of the Senior Civil Judge, Guduru. On considering the evidence, both oral and documentary, the Reference Court has answered the reference by fixing the compensation for the mango tree @ Rs.85/- per tree and Rs.22/- per each pomegranate tree and confirmed the rate of the coconut tree, as fixed by the Land Acquisition Officer, i.e., @ Rs.15/- per tree.

2. Dissatisfied with the compensation granted to the appellant by the Reference Court, for the pomegranate and coconut trees vide order in L.A.O.P.No. 31 of 1997 on the file of the Senior Civil Judge, Guduru,

dated 02.07.2004, the present L.A.A.S.No. 10 of 2023 came to be filed seeking enhancement of the compensation of the trees.

3. Learned counsel appearing for the appellant would submit that this Court, the composite High Court of Andhra Pradesh at Hyderabad and the Hon'ble Apex Court have fixed the rate for pomegranate tree @ Rs.3,000/- per tree and for mango trees @ Rs.3,000/- per tree and for coconut trees @ Rs.3,000/- per tree and for sweet orange trees (cheeni trees) @ Rs.4,000/- per tree and hence urged this Court to enhance the compensation for the aforesaid trees and to pass the same orders in the present appeal.

4. The appellants relied on the judgment of this Court in a batch of appeals, vide L.A.A.S.No.35 of 2019 and batch dated 27.09.2023 L.A.A.S.No.61 of 2022 and batch dated 05.10.2023, L.A.A.S.No.31 of 2019 dated 27.06.2019 and in L.A.A.S.No.2 of 2023 dated 04.09.2023 as also the judgment of the Hon'ble Apex Court in *D.Eswara Naidu & ors. Vs. the Special Deputy Collector (L.A.)* in Civil Appeal No.11355 of 2018 dated 20.11.2018, the judgment of the composite High Court in *The Special Deputy Collector (Land Acquisition), Somasila Project, Unit-IV, Rajampet, Kadapa, Kadapa District Vs. Peddireddy Madhava Reddy and others*. In the said judgment, the composite High Court has fixed Rs.3,000/- per each mango tree, acid lime tree, coconut tree,

guava, jack-fruit and sapota (sapodilla) and also for the trees of pomegranate, drumstick and neredu (black-plum), and so far as the tamarind and soap-nut are concerned, the Court has fixed Rs.6,000/- and Rs.5,000/- respectively for each tree.

5. Learned counsel for the appellant further relied on the judgment of this Court in LAAS No.28 of 2019 and batch dated 05.11.2019, LAAS No.61 of 2023, LAAS No.63 of 2022 and the judgment of the Hon'ble High Court in *Pidugu Kondala Rayudu v. Special Deputy Collector, Land Acquisition, Telugu Ganga Project Unit, Kadapa*¹. The Hon'ble Apex Court in *D. Eswara Naidu & Ors., versus The Special Deputy Collector(O.A.)*² dated 20.11.2018, *inter alia* held as follows:

“2. The issue raised in these appeals pertains to the claim made by the appellants for enhancement of compensation for pomegranate trees, which stood in the land acquired for the purpose of Somashila/Telugu Ganga Project. The notifications in these cases have been issued on different dates between 1990 to 1994. The appellants have been granted compensation at the rate of Rs.2000/- per Pomegranate Tree. We find from Civil Appeal Nos.11404-11405 of 2016 that this Court has fixed compensation at the rate of Rs.3,000/- per pomegranate tree, as against the Rs.2000/- fixed by the High Court, in respect of the acquisition for the same project, for which notification was issued in the year 1994. Having regard to the entire facts and circumstances of the case, we are of the view that it would be

¹ 2012 (12) SCC 848

² 2019 (13) SCC 785

just, reasonable and proper to fix the compensation at the rate of Rs.3,000/- per Pomegranate Tree. Therefore, these appeals are disposed of with the following directions:

- (i) The appellants shall be entitled to compensation at the rate of Rs.3,000/- (Rupees Three Thousand) per Pomegranate Tree along with all statutory benefits.
- (ii) However, they shall not be entitled to statutory interest for the period of delay in approaching this Court or the High Court.
- (iii) The compensation to the claimants shall be made within three months from today."

6. In the judgment rendered in LAAS No.417 of 2018, a Division Bench of this Court granted compensation in respect of trees, in the following manner:

Mango, Acid Lime, Coconut, Guava, Jack-fruit & Sapota (Sapodilla)	: Rs.3,000/- per tree
Tamarind	: Rs.6,000/- per tree
Cheeni (Sweet Orange)	: Rs.4,000/- per tree
Soap-nut	: Rs.5,000/- per tree
Pomegranate trees	: Rs.2,500/- per tree
Cashew nut trees	: Rs.2,500/- per tree
Drumstick & Neredu (Black-plum)	: Rs.2,000/- per tree
Dates & Palmyra trees	: Rs. 300/- per tree
Remaining trees	: Rs. 400/- per tree
Pomegranate tree:	Rs.3,000/- per tree

7. In Civil Appeal No.2947 of 2022, the Hon'ble Apex Court has fixed compensation for the pomegranate trees @ Rs.3,000/- per tree,

following the judgment of the Hon'ble Apex Court in *D.Eswara Naidu & ors Vs. The Special Deputy Collector (L.A.)* (referred supra), in Civil Appeal No.11355 of 2018 in respect of the very same project.

8. Learned Government Pleader for Appeals has relied on the judgment of the Hon'ble Apex Court in *Ashok Kumar and another Vs. State of Haryana*. The said judgment does not pertain to the valuation of the trees. The issue in the present appeal pertains to the valuation of the trees. Hence, the said judgment is not applicable to the present facts of the case.

9. Learned Government Pleader for Appeals further stated that the trees existed were pre-bearing trees (plants) and accordingly the value was fixed by the Land Acquisition Officer and the Reference Court has rightly answered the said issue and stated that the appellants are not entitled for the enhancement of compensation on the basis of the judgments relied on by the learned counsel for the appellants, as they are pre-bearing trees. Hence, urged this Court to dismiss the appeal filed under Section 54 of the Act, as the appellants are not entitled for any enhancement of compensation.

10. In the judgment of the Hon'ble Apex Court in *D.Eswara Naidu & ors Vs. The Special Deputy Collector (L.A.)* (referred supra) in Civil Appeal No.11355 of 2018, the Hon'ble Apex Court has fixed the rate for

the pomegranate trees and other trees for the very same Somasila/Telugu Ganga Project @ Rs.3,000/- for pomegranate tree as against Rs.2,000/- and held that the appellants are entitled to compensation @ Rs.3,000/- for pomegranate tree along with all statutory benefits and also further observed that every appellant is not entitled to statutory interest for the period of delay in approaching the High Court. The Court did not make a distinction between fruit-bearing and pre-bearing trees. Therefore, this Court is inclined to extend the benefit of orders mentioned above, increasing the compensation for pomegranate trees and coconut trees to Rs.3,000/- respectively.

11. Learned Government Pleader for Appeals has disputed about the number of trees. Therefore, this Court is inclined to allow the appeal on fair admission made by the learned counsel for the appellant that the compensation may be enhanced as per the number of trees as identified by the Land Acquisition Officer in the award, as the appellant is not insisted for grant of compensation for the number of trees which is pleaded by the appellant in the appeal. Therefore, it is made clear that the appellant is entitled to compensation for the total number of trees as identified by the Land Acquisition Officer in the award and not as the total number of trees as the appellants claimed in the Reference Court.

12. As the claim is only with regard to the trees, the present appeal is allowed, enhancing the compensation for each tree as detailed below:

Pomegranate tree	:	Rs.3,000/- per tree
Coconut trees	:	Rs.3,000/- per tree

13. The appellant shall pay the Court fee on the enhanced compensation amount. The appellant is not entitled to interest during the period of delay in preferring the appeal after disposal of the L.A.O.P. by the Reference Court. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, in this case shall stand closed.

JUSTICE NINALA JAYASURYA

JUSTICE TARLADA RAJASEKHAR RAO

Date: 27.03.2025

Harin

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA
AND
THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

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Date: 27.03.2025

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