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APHC010262832017



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

**[3565]**

THURSDAY, THE SECOND DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

**LAND ACQUISITION APPEAL SUIT NOS: 458/2017**

**Between:**

1.M.LAKSHMAIAH, S/O PEDDA VENGAMUNI, AGED ABOUT 58 YEARS, OCC: CULTIVATION R/O PARNAPALLI VILLAGE, LINGALA MANDAL, KADAPA DISTRICT.

**...APPELLANT**

**AND**

1.THE LAND ACQUISITION OFFICER, (SPECIAL DEPUTY COLLECTOR, KADAPA)

2.THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, P.B.C., DIVISION, PULIVENDULA.

3.THE ASSISTANT DIRECTOR OF HORTICULTURE, KADAPA.

**...RESPONDENT(S):**

to allow the appeal by setting aside the judgment and decree dated 23rd December, 2016, made in LAOPNO. 530 of 2010, on the file of the Judge, Family Court cum Additional District Judge, Kadapa, by granting and/or enhancing market value as sought for, both in respect of the lands and trees under acquisition, in the interest of justice and in the circumstances of the case.

**LAND ACQUISITION APPEAL SUIT NO: 21/2018**

**Between:**

- 1.THE LAND ACQUISITION OFFICER, (SPECIAL DEPUTY COLLECTOR, KADAPA)
- 2.THE EXECUTIVE ENGINEER IRRIGATION DEPARTMENT, P.B.C.DIVISION, PULIVENDULA
- 3.THE ASSISTANT DIRECTOR OF HORTICULTURE, KADAPA

**...APPELLANT(S)**

**AND**

- 1.M LAKSHMAIAH, S/o.Pedda Vengamuni Aged r/o.Parnapalli village, Lingala Mandal, Kadapa District.

**...RESPONDENT**

to allow this appeal by setting aside the decree and Judgment passed by the VI Additional District Judge, Kadapa in LAOP.No.530/2010 dated 23.12.2016 and to pass other relief or reliefs which the Hon'ble Court deems fit and proper in the circumstances of the case.

**IA NO: 1 OF 2018**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in pursuance of the decree and judgment and decree dated 23.12.2016 in L.A.O.P.No.530 of 2010 on the file of the VI Additional District Judge, Kadapa and to pass

**IA NO: 2 OF 2018**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 315 days in filing the above appeal and to pass

**Counsel for the Appellant(S):**

- 1.GP FOR APPEALS (AP)

**Counsel for the Respondent:**

- 1.P KAMLAKAR

**The Court made the following:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND  
&  
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

LAND ACQUISITION APPEAL SUIT NOS.458 of 2017 and 21 of 2018

COMMON JUDGMENT: *(per Hon'ble Sri Justice Battu Devanand)*

The Land Acquisition Appeal Suit No.458 of 2017 filed by the claimant and Land Acquisition Appeal Suit No.21 of 2018 filed by the Land Acquisition Officer (for short "LAO) against the order, dated 23.12.2016 passed in LAOP No.530 of 2010 on the file of the VI Additional District Judge, Kadapa (hereinafter referred to as "Reference Court").

2. For the sake of convenience, the parties will be hereinafter referred to as per their ranking in the Reference Court.

**3. The brief facts of the case:**

(i) The land to an extent of Ac.33.22 cents lying in different survey numbers of Parnapalli Village, Lingala Mandal, was acquired for construction of Spill Way of Chitravati Balancing Reservoir at Parnapalli Village. The draft notification was published in Gazette, dated 14.02.2001. The draft declaration was passed in Gazette, dated 16.02.2001. The said lands are rain-fed lands. Nature of the lands is red soil and black cotton soil. Rain-fed crops like ground-nut, etc., were being raised.

(ii) Ac.8-06 cents out of 12.10 cents lying in Sy.No.381 of Parnapalli Village and Ac.1-62 cents out of Ac.3-81 cents lying in Sy.No.385 of Parnapalli Village belonged to the claimant were acquired. In the said extent of Ac.8-06 cents, there were 1076 Guava trees, 03 Mango trees and 01 Sapota tree.

The land was said to be irrigated with bore-well water. The LAO had considered 57 sale deeds pertaining to surrounding lands of Parnapalli Village during three years prior to the date of notification i.e., from February, 1999 to February, 2002. Considering the value of the sales of such lands, the LAO fixed the value for Ac.1-00 cents at Rs.35,500/-. With regard to the value of the fruit bearing Guava trees raised in the land of the claimant, the report of the Horticulture Officer was considered basing on G.O.Ms.No.601, Revenue (LA) Department, dated 16.06.1992 and awarded Rs.1,11,823/-. In addition to the market value, solatium at 30% as provided under Section 23(2) of the Act, 12% additional market value from the date of draft notification i.e., 26.02.2001 to the date of award, dated 05.08.2002 were granted.

4. Dissatisfied with the compensation awarded by the LAO, the claimant filed claim application under Section 18 of the Land Acquisition Act (for short "Act") for referring the award No.8/2002-2003 passed by the LAO. Accordingly, the LAO referred the matter to the Reference Court.

5. The claim of the claimant before the Reference Court is that the LAO has not followed correct method for fixing the market value of the acquired land and Ac.1-00 cents was worth Rs.1,00,000/- and the subject land was garden land irrigated with the help of bore-well water. The LAO has considered the land in the category of dry land. It is also contended that the LAO has failed to give compensation to the existing well and bore-well worth Rs.50,000/-. The capitalization method for fixing the value of trees was not followed.

6. The LAO denied the contention of the claimant and has asserted that the value of the land and fruit bearing tress were properly assessed.

7. P.W.1 was examined and Ex.A.1 to Ex.A.5 and Ex.X.1 were marked on behalf of the Referring Officer. R.W.1 to R.W.7 were examined and Ex.B.1 to Ex.B.4 were marked on behalf of the claimant.

8. Considering the contentions of both parties, the Reference Court framed the following issues for consideration:

- (1) Whether the compensation fixed for the acquired land and fruit bearing tress that belonged to the claimant under the award is justified?
- (2) Whether the claimant is entitled to enhance the compensation as pleaded by him?

9. The Reference Court having considered the contentions of respective parties and upon consideration of the evidence available on record and the case law relied by the parties, allowed O.P. by decree and order, dated 23.12.2016 with the following order:

- (i) The value of the land per acre is fixed at Rs.50,000/-;
- (ii) The value of fruit bearing tress is determined at Rs.7,88,085/-;
- (iii) Rs.10,000/- was allowed towards value of the well;
- (iv) The claimant is entitled to claim 30% solatium, 12% additional market value on such enhanced compensation amount from 26.02.2001 to 05.08.2002 and at 9% per annum from the date of taking possession up to one year and thereafter at 15% per annum till the enhanced compensation amount is deposited in the Court.

10. Aggrieved by the decree and order passed by the Reference Court, dated 23.12.2016, the LAO as well as the claimant preferred these two appeals against the same order.

11. Sri P. Kamalakar, learned counsel appearing for the claimant would submit that if the market value has been determined by capitalizing the income with reference to yield, the value of trees could be added to the value of the land. On relying the Judgment of the Apex Court in **Ambya Kalya Mhatre (dead) through LRs., and others vs. State of Maharashtra**<sup>1</sup>, he would submit that if the land value has been determined with reference to the sales statistics or compensation awarded for a nearby vacant land, then the trees will have to be valid separately. If the market value has been determined by capitalizing income with reference to yield, then also the question of making any addition either for the land or for trees separately does not arise. He would submit that the value of fruit bearing trees is considered for awarding compensation instead of market value, the claimant will get reasonable compensation.

12. To substantiate the contentions, the learned counsel for the claimant relied on the judgments of the Apex Court in **Bhupendra Ramdhan Pawar vs. Vidarbha Irrigation Development Corporation, Nagpur and others**<sup>2</sup>; **Nelatur Sampooramma vs. Special Deputy Collector, Land Acquisition, Telugu Ganga Project, Podalakur at Nellore, Andhra Pradesh and another**<sup>3</sup>; **New Okhla Industrial Development Authority vs. Harnand Singh (deceased) through Lrs and others**<sup>4</sup> and unreported judgment of a Division Bench of this Court in **The Special Deputy Collector**

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<sup>1</sup> (2011) 9 SCC 325

<sup>2</sup> (2021) 12 SCC 58

<sup>3</sup> (2017) 12 SCC 835

<sup>4</sup> 2024 SCC OnLine SC 1691

**(Land Acquisition), Somasila Project, Unit-IV, Rajampet, Kadapa, Kadapa District vs. Peddireddy Madhava Reddy and 114 others in A.S.No.1749 of 2004.**

13. On the other hand, the learned Government Pleader for Appeals would submit that as per the judgment of the Apex Court in *Ambya Kalya Mhatre's* case (1 supra), compensation can be awarded taking into consideration of the fruit bearing trees available in the acquired land by counting the trees as mentioned in the award passed by the LAO. The learned Government Pleader further contends that this Court has consistently awarding Rs.3,000/- per tree and in recent judgments also, a Coordinate Bench of this Court has granted the same and requested that the same to be followed.

14. After hearing the learned counsel for the claimant and the learned Government Pleader in detail and perusing the material available on record and the judgments relied on by the counsel, this Court specifically asked the learned counsel for the claimant so as to whether the claim was confined only to compensation for trees by capitalizing the income with reference to yield, the value of trees as held by the Apex Court in *Ambya Kalya Mhatre's* case (1 supra). Upon instructions, the learned counsel for claimant submitted to the Court that the claimant is ready to confine his claim for compensation for trees alone as per the settle legal position and as per the latest judgment of this Court. He further submits that this Court has consistently awarded Rs.3,000/- per guava tree and as such considering escalation in costs, this Court may be considered to grant compensation @ Rs.3,500/- per tree.

15. It is an undisputed fact that the acquired land contains fruit bearing trees. The claimant had confined his claim for compensation on a per-tree basis so as to consider in the light of the settled legal position. Admittedly, in the acquired land of the claimant in Ac.8-06 cents, there were 1076 Guava trees, 03 Mango trees and 01 Sapota tree.

16. In the judgment rendered in LAAS.No.417 of 2008, 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
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

17. By following the earlier judgment of a Division Bench of this Court in LAAS No.417 of 2008 and recently a Coordinate Bench of this Court in LAAS No.80 of 2019, has considered the value of the fruit bearing trees and awarded compensation.

18. By following the same, the claimant is entitled for Rs.3,000/- for each fruit bearing tree i.e., Guava tree, Mango tree and Sapota tree and the claimant is also entitled Rs.10,000/- for bore-well. In the absence of sufficient

evidence, the claim for enhancement of the compensation awarded towards land cost for the land of Ac.1-62 cents is rejected.

19. Accordingly, these appeals are disposed of, with consent, fixing the compensation with the following orders:

(i) Guava trees 1076 x Rs.3,000/-	: Rs. 32,28,000-00
(ii) Mango tress 03 x Rs.3,000/-	: Rs. 9,000-00
(iii) Sapota tree 01 x Rs.3,000/-	: Rs. 3,000-00
(iv) Bore-well	: Rs. 10,000-00

The claimant is entitled to all statutory and consequential benefits including interest as ordered by the Reference Court.

20. 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 SUBHENDU SAMANTA**

Dated: 02.04.2026

PGR

**THE HON'BLE SRI JUSTICE BATTU DEVANAND  
&  
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

L.A.A.Nos.458 of 2017 and 21 of 2018

Dt. 02.04.2026

PGR