

Supreme Court of India

A.P.S.R.T.C Hyderabad, ... vs P. Venkaiah & Ors on 28 April, 1997

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

A.P.S.R.T.C HYDERABAD, REPRESENTED BY MANAGING DIRECTOR

Vs.

RESPONDENT:

P. VENKAIAH & ORS.

DATE OF JUDGMENT: 28/04/1997

BENCH:

K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

Present:

Hon'ble Mr. Justice K. Ramaswamy Hon'ble Mr. Justice D.P. Wadhwa Altaf Ahmed, Additional Solicitor General, B. Parthasarthy, Adv. with him for the appellant Ms. C.K. Sucharita and B. Kanta Rao. Advs. for the Respondents.

O R D E R The following order of the court was delivered: Substitution allowed.

Leave granted. Heard learned counsel for the parties. Notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the 'Act') was Published on July 7,1977, acquiring 14 acres 32 guntas of land of Bachiragh village near Suryapet Nalgonda District (A.P.) for the purpose of constructing a Bus stand Complex. The Land Acquisition Officer awarded compensation @ Rs. 7,500\/- per acre. The sub-Court on reference awarded the considered compensation @ Rs. 3.60 lacs per acre. The High court it to Rs. 2,25,000/- per acre. It is now not in dispute that Exs.A-2, A-9 and A-11 were relied on to enhance the compensation. Admittedly, none of the persons connected with the documents, namely, neither the vendee nor the vendor has been examined. This court in Kumari Veeraiah & ors. vs. State of A.P. [(1995)) 4 SCC 136] held in the absence of adduction of any evidence through the vendor or the vendee, the document per se cannot be relied upon. This was reiterated in State of Bihar vs. Madheshwar Prasad [(1996)6 SCC 197]. Acceptance of certified copy

of the sale deed under section 51-A relates only to the production of the original sale deeds but it does not dispense with proof of the contents of the documents, relative feature vis-a-vis 193, the land under acquisition. All is needed to be proved by examining the persons connected with the same and parties to the document. Following the above ratio, we hold that the view taken by the High court and that of the reference Court is entirely illegal.

The appeal is accordingly allowed. The judgment and award of the reference court as modified stand set aside. The matter is remitted to the reference court for disposal the matter afresh after an opportunity is given to adduce evidence afresh and the same is considered. No costs.