

A A.P. STATE ROAD TRANSPORT CORPORATION,
HYDERABAD, REPRESENTED BY MANAGING DIRECTOR

v.

P. VENKAIAH AND ORS.

B APRIL 28, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

Land Acquisition Act, 1894 :

C *Compensation—Award of—Reliance on sale deeds by Courts below for enhancing compensation—Held, examination of the persons connected with the sale and parties to the documents necessary—Hence award of reference court as modified is set aside—Matter remitted to Reference Court for disposal of the matter afresh after giving opportunity to parties to adduce evidence afresh and considering the same.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3404 of 1997.

From the Judgment and Order dated 16.8.93 of the Andhra Pradesh High Court in A. No. 2064 1986.

E Altaf Ahmed, Additional Solicitor General and B. Parthasarthy for the Appellant.

C.K. Sucharita and B. Kanta Rao for the Respondents.

F The following Order of the Court was delivered :

Substitution allowed.

Leave granted. Heard learned counsel for the parties.

G 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 reduced it to Rs. 2,25,000 per acre. It is now not in

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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. v. State of A.P.*, [1995] 4 SCC 136 held that 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 v. 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 features 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.

G.N.

Appeal allowed.