

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

WRIT APPEAL No.494 of 2023

Between:

The Special Collector (LA),
Telugu Ganga Project, Unit-1,
Kadapa, YSR Kadapa District,
A.P. & another.

...Appellants

Versus

Aaduri Peda Veera Reddy,
S/o.A. Bhadraiah, Hindu,
Aged 85 years,
Occ: Agriculture,
R/o.Jonnavaram Village,
Muttukuru Post, Atluru Mandal,
YSR Kadapa District,
A.P. & eight others.

...Respondents

Counsel for the appellants : Government Pleader for
Land Acquisition

Counsel for respondents 1 to 8 : Sri S. Lakshmi Narayan
Reddy

JUDGMENT

Dt: 04.04.2024

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Learned Government Pleader for Land Acquisition
appearing for the appellants and Sri S. Lakshmi Narayan Reddy,
learned counsel appearing for respondents 1 to 8.

2. The writ petitioners herein were owners of land admeasuring Ac.0.73 cents in Sy.No.19/1 and Ac.0.16 cents in Sy.No.68 of Jonnavaram Village. This land was notified for acquisition, on account of submergence under the Somasila Project, and the acquisition proceedings were completed by passing of an award. However, the writ petitioners did not accept the compensation on the ground that the compensation was sought to be paid by taking into account only the value of the land and without considering compensation for the indigo vats which are said to be existing on the lands. Subsequently, the authorities are said to have conducted a survey of the land which showed the existence of indigo vats. Based on this survey report and the valuation of the indigo vats done by the irrigation authorities, the writ petitioners have approached this Court by way of W.P.No.39942 of 2017 seeking payment of compensation for the said indigo vats.

3. The writ petitioners contended that proposals had been made vide Ref. No.C/151/2007 dated 17.12.2016 and Ref. No.C/151/2007 dated 23.08.2017 by the Special Deputy Collector, (Land Acquisition), Telugu Ganga Project, Unit-1, for payment of such compensation which has not been acted upon by the respondent-State.

4. The said writ petition was resisted by the State on the ground that the writ petitioners had never raised the issue of existence of indigo vats and had not objected to the quantum of compensation until 2017 when the writ petition came to be filed.

5. The Learned Single Judge, after considering the rival submissions on both sides, had held that the award, in favour of the petitioners 1 to 7, in the writ petition, was passed on 20.03.2015, and these petitioners had not accepted the compensation fixed for lands in Sy.Nos.19/1 and 68 of Jonnavaram Village and it was only the 8th petitioner, who accepted the compensation awarded in his favour, by an award dated 04.03.2009. The Learned Single Judge also observed that the petitioners had made a representation immediately after the award was passed and the letter addressed by the Special Deputy Collector (Land Acquisition) on 17.12.2016 makes this very clear. The Learned Single Judge also took into account the statement in this letter that a personal inspection by the same Deputy Collector (Land Acquisition) had revealed the existence of the indigo vats in Sy.Nos.19/1 and 68 also. The Learned Single Judge taking these facts into account, had allowed the writ petition and directed payment of compensation on the basis of the value fixed by the Executive Engineer. The Learned

Single Judge also took into account the fact that the value fixed by the Executive Engineer was reduced by 25% and had held that the compensation of Rs.30,16,499/- was appropriately arrived at and that the petitioners 1 to 7 would be entitled to the said amount with interest @ 9% from 23.08.2017.

6. Aggrieved by the said order, the respondent authorities have moved the present writ appeal.

7. The Learned Government Pleader for Land Acquisition, appearing for the appellants would contend that two other writ petitions arising out the same award dated 04.03.2009, were dismissed by this Court with a direction to the petitioners to agitate their rights by way of a reference under the Land Acquisition Act. The Learned Government Pleader would also contend that the writ petitioners, having kept quiet for more than 13 years, cannot seek payment of higher compensation.

8. The Learned Government Pleader for Land Acquisition, on merits, would submit that there is no material to show the existence of indigo vats in the aforesaid two survey numbers. She would submit that the draft notification and declaration issued in relation to these lands did not mention the existence of any Indigo vats as they were not existing on the land. She submits that, the subsequent personal inspection, said to have been conducted by the

Special Deputy Collector, in the year 2016, and the subsequent report, has to be disregarded as the land, where the indigo vats are said to be situated, was already submerged under the Somasila Project and there could not be any physical verification. The Learned Government Pleader also produced the inspection notes of the Special Deputy Collector (Land Acquisition) containing the observation of the Special Deputy Collector in relation to the inspection that is said to have been carried out even before the draft notification under Section 4 of the Land Acquisition had been issued.

9. The respective contentions raise the following issues:

- (1) Whether the existence of indigo vats in Sy.Nos.19/1 and 68 can be ascertained from the material placed before this Court;
- (2) Whether the award passed, in relation to the lands of the petitioners was accepted by the petitioners and there has been inordinate delay in the petitioners seeking further compensation;
- (3) Whether such compensation could have been claimed by way of supplementary award and without seeking reference under Section 18 of the Land Acquisition Act.

10. The draft notes of inspection prepared by the Special Deputy Collector (Land Acquisition), even before notification under Section 4 of the Land Acquisition Act had been issued, has been placed before this Court by the Learned Government Pleader for Land Acquisition. These notes show the existence of indigo vats in the disputed survey numbers. The subsequent report of 2016 also shows that the indigo vats were present in the disputed lands. In such circumstances, this Court has no hesitation to hold, on the basis of the record produced by the authorities themselves that indigo vats existed in the lands.

11. The case of the appellants has been that the award has been passed in 2007 or so and the writ petition has been filed after a lapse of 13 years after receiving compensation. The Learned Single Judge, after going through the record had held that the award was passed on 04.03.2009 only in the case of the 8th petitioner and an award was passed in relation to the other petitioners on 20.03.2015 and that petitioners 1 to 7 did not accept the compensation fixed in relation to their lands in Sy.Nos.19/1 and 68. In the circumstances, the contention of the appellants that there has been inordinate delay in seeking proper compensation has to be negated. The respondents had also contended that there can be no

supplementary award and any additional claim can only be by way of reference under Section 18 of the Land Acquisition Act.

12. Sri S. Lakshmi Narayan Reddy, learned counsel for the petitioners would rely upon the following Judgments: *Harbans Lal Malhotra Vs. Union Of India*¹, *National Highway Authority of India vs. Assistant Commissioner and Competent Authority, KoLar*², *Tatikonda Ramulu Vs. Land Acquisition Officer and Special Deputy Collector, Land Acquisition Unit*³, *Nagarala Nirvasithula Welfare Association Vs. Govt. of Andhra Pradesh and others*⁴, *Bamidipati Subba Rao Vs. Land Acquisition Officer-cum-Revenue Divisional Officer, West Godavari District*⁵ to contend that such supplementary awards can be passed.

13. The aforesaid issue does not come up for consideration as the Learned Single Judge did not remand the matter for passing a supplementary award. On the other hand, the Learned Single Judge had granted compensation, to the writ petitioner, on the basis of the valuation done by the Executive Engineer, who was part of the inspection team, in 2016. The learned Judge chose this course of action, keeping in mind the fact that the present litigation has been

¹ 2002 LawSuit(SC) 1092

² ILR 2011 KAR 3580

³ 2008 LawSuit (AP) 540

⁴ 2012 LawSuit(AP) 358

⁵ 2017 (5) ALD 504

dragging on for years and the fact that the admitted valuation, available on record, was sufficient to arrive at the compensation that is payable to the writ petitioners. A further fact would also have to be considered. The land in question is said to be under submergence and no physical inspection of the indigo vats can be carried out for the passing of any supplementary award or otherwise.

14. Accordingly, the writ appeal is dismissed. There shall be no order as to costs.

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

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

MJA

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HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
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