

APHC010206902023

**IN THE HIGH COURT OF ANDHRA [3488]
PRADESH
AT AMARAVATI**



WRIT APPEAL NO: 538 of 2023

The Special Collector (Ia), and
Others

...Appellant(s)

Vs.

Gayam Siva Rami Reddy and Others

...Respondent(s)

GP FOR LAND ACQUISITION (AP), Advocate(s) for Petitioner(s)

S LAKSHMINARAYANA REDDY, Advocate(s) for Respondent(s)

CORAM : SRI JUSTICE R RAGHUNANDAN RAO

SRI JUSTICE HARINATH. N

DATE : 3rd October, 2024

I.A.No.3 of 2023

ORDER:

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

Heard Sri S. Lakshminarayana Reddy, learned counsel appearing for the review petitioner/1st respondent and learned G.P. for Land Acquisition for respondents.

2. The land of the review petitioner was acquired for the Somasila Project, under the provisions of the Land Acquisition Act, 1894 (for short Act, 1894. The notification under Section 4(1) and declaration under Section 6

were published by invoking the provisions of Section 17(4) of the Act, 1894 and dispensing with the enquiry under Section 5A of Act, 1894.

3. Though the original notification, while describing the property of the petitioner, had included Zinc sheet Shed, the same was deleted by way of an errata dated 20.02.2014. Aggrieved by the deletion of the said shed, the petitioner approached this Court by way of W.P.No.10782 of 2014. This writ petition was allowed by a learned Single Judge, by his order dated 02.09.2022, holding that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short Act 30/2013) would be applicable for determination of compensation along with damages from 08.01.2014. Aggrieved by the said judgment, the acquisition authorities, who were the respondents in the writ petition, have filed W.A.No.538 of 2023.

4. By the time the appeal came up for hearing before the Court, it transpired that the land acquisition authorities themselves had initiated fresh proceedings and issued a notification under Section 11(1) of the Act 30/2013 on 31.12.2019 and a declaration under Section 19 of the Act 30/2013 on 31.03.2020 and the structure which had been deleted by way of errata had been included in these notifications.

5. A Division Bench of this Court, after taking into account these developments, had allowed the writ appeal setting aside the order of the learned Single Judge to the extent of declaring the writ petitioner to be entitled to the damages while leaving it open to the writ petitioner to avail of the

remedies in regard to the redressal of his grievances of damages. As far as the proceedings for inclusion of the shed for determination of compensation was concerned, it was noted that the petitioner could pursue his remedies in accordance with the provisions of Act 30/2013 in relation to the notification issued under Section 11(1) of the Act 30/2013 on 31.12.2019.

6. The writ petitioner has now filed an application to review the said judgment, dated 11.07.2023, on the ground that the acquisition proceedings in relation to the notification, dated 31.12.2019, had also lapsed as no award had been passed in terms of Section 21 of the Act 30/2013, which stipulates a maximum period of one year from the date of declaration, which in the present case was dated 31.03.2020. The primary ground of review is that, the observation of the Division Bench that the earlier proceedings initiated under the Act, 1894 stood lapsed in view of the provisions of Act 30/2013, cannot be sustained in law and requires to be modified. The review petitioner further contends that the Hon'ble Supreme Court in the case of **Indore Development Authority vs. Manoharlal and Ors.**,¹ had held that where possession is taken under the urgency clause of Section 17(4) of the Act, 1894, the property vests absolutely in the State and that the earlier proceedings issued under the Act, 1894 does not get lapsed and compensation is to be determined in accordance with the provisions of Act 30/2013.

7. While the Hon'ble Supreme Court in **Indore Development Authority vs. Manoharlal and Ors.**, had given a finding that the proceedings

¹ (2020) 8 SCC 129

do not lapse, it had also held that compensation is to be determined in accordance with the provisions of Act 30/2013. This would mean that compensation for the shed would have to be determined in terms of the provisions of the Act 30/2013 only. Consequently, issuance of acquisition proceedings under Section 11(1) of the Act 30/2013 and declaration under Section 19 of the Act 30/2013 would be in accordance with the said judgment.

8. In the light of the above, this Court does not find any reason to review the decision of the Division Bench dated 11.07.2023 and it is open to the review petitioner to press for determination of compensation in terms of the Act 30/2013 for the shed which had been deleted by way of the impugned errata.

R. RAGHUNANDAN RAO, J.

HARINATH. N, J

Js.

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO
&
HON'BLE SRI JUSTICE HARINATH. N

Rev.I.A.No.3 of 2023
In
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