*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

WRIT APPEAL NO: 280/2026

% 13.07.2026

T. Subramanyam

……appellant

And:

$ V. Shanmugam, & 8 others

…. respondents

!Counsel for the appellant : Sri D.Krishna Murthy

^Counsel for the respondent Nos.1 to 4 : Sri T. Diwakar Reddy
^Counsel for the respondent Nos.5 to 8 : Sri K.Dilip Naik
^Counsel for the respondent No. 9 : Sri K.K.Durga Prasad

<Gist:

>Head Note:

? Cases referred:

1. (2008) 12 SCC 675
2. (2001) 2 SCC 62

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT APPEAL NO: 280/2026

Between:

T. Subramanyam

..... PETITIONER

AND

V. Shanmugam, & 8 others

....RESPONDENTS

DATE OF JUDGMENT RESERVED :

DATE OF JUDGMENT PRONOUNCED : 13.07.2026

DATE OF JUDGMENT UPLOADED : 21.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

1.	Whether Reporters of Local newspapers may be allowed to see the Judgments?	Yes/No
2.	Whether the copies of judgment may be marked to Law Reporters/Journals	Yes/No
3.	Whether Your Lordships wish to see the fair copy of the Judgment?	Yes/No

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RAVI NATH TILHARI,J

_____

PURUSHOTTAM KUMAR CHINTALAPUDI,J

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT APPEAL NO: 280/2026

ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri D.Krishna Murthy, learned counsel for the appellants and Sri T. Diwakar Reddy, learned counsel for respondent Nos.1 to 4 and Sri K.Dilip Naik, learned Assistant Government Pleader for respondent Nos.5 to 8. Sri K.K.Durga Prasad, learned Standing Counsel has accepted the notice of respondent No.9.

2. The writ appellant is respondent No.6 whereas the present respondent Nos.1 to 4 are the writ petitioners in W.P.No.30008 of 2023.

3. The writ petition was filed with the prayer:

> "to declare the action of respondent No.2, in proposing to allot petitioners' land in an extent of Ac.0.81 ½ cents in Sy.No.82/9A and an extent of Ac.0.81 ½ cents in Sy.No.82/9B of total Ac.1.63 cents situated at Thimmasamudram Revenue Village, Chittoor Mandal, Chittoor Municipal Corporation and District to respondent No.5 under the premise that it is a DKT land by ignoring sale transactions vide sale deeds vide document Nos.2380/1927, 830/1971 and 5221/1977 and without any notice to the petitioners and without following due process of law as illegal, arbitrary and violative of principle of natural justice and consequently, to direct the respondent Nos.2 to 5 in the writ petition not to interfere with

the writ petitioners' peaceful possession and enjoyment of the said land."

4. The writ petitioners' case inter-alia was that the subject land belonged to the petitioners but was allotted to respondent No.5 by respondent No.2 illegally, without notice and without verification of the records. The case of the writ petitioners was that they being the owners of the land to certain extent having purchased in the year 1977 vide document No.5221/1977 dated 18.06.1977 were entitled for compensation.

5. The writ appellant (respondent No.6 in the writ petition) filed an application for his impleadment (I.A.No.1 of 2024), which was allowed on 12.11.2025, and he was impleaded as respondent No.6 in the writ petition.

6. The case of the appellant (respondent No.6), inter-alia was that DKT patta was granted to him and his name was recorded in 1B Namuna and the revenue records. He disputed the sale deed filed by the writ petitioners raising the plea that the same was not connected with the subject property. He claimed that he was entitled to receive the compensation.

7. In the writ petition, respondent No.4 therein – Tahsildar had filed counter affidavit. It was stated that originally the land was classified as Government Dry, it was assigned in the year 1955 to certain extent by sub-dividing into 12. In the year 1965 as per records. The extent of sub-division No.82/9 was assigned as Ac. 1.63 cents and there were 12 different

registered pattadars. The contention of the writ petitioner that the total extent of the assigned land in Sy.No.82 belonged to one Nambur Venkataswamy Naidu was disputed. The entry made in the ROR-I in the name of the petitioners were said to be different to the other entries. It was further submitted that the entries so made were not attested by any competent authority along with the orders passed to enter in the Register. The entry found in ROR-I for the petitioners was said to be not a valid one but false. It was also stated that as per the provisions of the DKT Rules, the land in Sy.No.82/9 could not be sold and purchased. The sale transaction of the subject land was said to be not valid. The further contention was that the subject land was assigned land and the Government was at liberty to resume at any time if and when it was required for the public purpose and the petitioner could not claim a right of sole ownership.

8. A perusal of the judgment shows in para-5 that the petitioners, (may be during the arguments) sought a direction to the official respondents to provide compensation to the petitioners according to the Act, 2013 as the land was allotted to respondent No.5 by respondent No.2 in writ petition for the development of MIG layout.

9. The learned Single Judge disposed of the writ petition vide judgment dated 17.12.2025 by directing the parties to agitate their respective rights before the ‘Authority’ under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement

Act, 2013 (in short the 'Act, 2013'). The Revenue Divisional Officer was directed to refer the matter to the competent authority and was further directed not to disburse the amount to either party.

10. Para Nos.9 & 10 of the judgment reads as under:

> "9. Therefore, this Court is inclined to dispose of the present Writ Petition on the touchstone of Section 64 of the Act, directing the Joint Collector to refer the matter to the competent authority under Section 64 of the Act as expeditiously as possible, and in any event within a period of four (4) weeks from the date of receipt of a copy of this order. The parties are directed to agitate their respective rights before the authority under Section 64 of the Act. The Joint Collector is further directed not to disburse the amount to either party.
>
> 10. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs."

11. Initially, the direction as aforesaid was given to the Joint Collector. Later on, I.A.No.1 of 2026, was filed in the writ petition after the judgment whereupon by order dated 21.01.2026, the order dated 17.12.2025 was modified, providing the 'Revenue Divisional Officer' to refer the matter under Section 64 of the Act, 2013 to the competent authority instead of 'Joint Collector'.

12. The order dated 21.01.2026 reads as under:

> "I.A.No.1 of 2026
> (for being mentioned)
> This Court while disposing of the Writ Petition has directed the Joint Collector to refer the matter to the competent authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred as 'the Act').

> Today, both the learned counsel jointly represented and stated that they have wrongly represented before this Court that the claim amount lies with the Joint Collector, in fact the amount is lying with the Revenue Divisional Officer. Hence, both the learned counsel jointly requested to modify the order to direct the Revenue Divisional Officer to refer the matter to the competent authority under Section 64 of the Act instead of the Joint Collector.
>
> Hence, the order is modified directing the Revenue Divisional Officer to refer the matter under Section 64 of the Act to the competent authority.
>
> To the aforesaid mentioned, I.A.No.1 of 2026 is ordered."

13. Challenging the aforesaid orders the writ appeal has been filed by respondent No.6 in the writ petition.

14. Learned counsel for the appellant submits that under Section 64 of the Act, 2013 reference can be made only if the party has not accepted the award. So, there has to be an award under the Act, 2013. He submitted that in the present case there was no award under the Act, 2013. So, there was no question of applicability of Section 64 of the Act and so no question of making any application for reference and direction to Revenue Divisional Officer to refer the matter to the 'Authority'.

15. Learned counsel submits that in the writ petition there is no averment that the subject land was acquired under the Act, 2013 and an award was passed. It was nobody's case of acquisition and the award under the Act, 2013. The grievance raised was that the land belonged to the writ petitioners and the alleged attempt of dispossession by the official respondents, as that land was being given to the respondent No.5 by respondent No.2 in the writ petition.

16. Learned counsel further submits that a co-ordinate Bench vide an order dated 27.04.2026, had directed learned Assistant Government Pleader for Revenue for the official respondents to seek instructions whether any land acquisition proceedings were initiated in respect of the subject land. The order dated 27.04.2026 is as under:

> "The learned Single Judge, by the impugned order, has disposed of the writ petition, with a direction to the concerned authority to refer the matter under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said Act and the Section applies only when the land is acquired for any public purpose by initiating land acquisition proceedings and if the person is not satisfied with the award that was passed in connection with the said acquisition of the land.
>
> Learned counsel for the writ appellant mainly contends that there are no proceedings initiated under the Act of 2013 and as such the question of referring the matter under Section 64 of the Act does not arise at all.
>
> To a pointed question as to whether any land acquisition proceedings are initiated in respect of the subject land, learned counsel for the unofficial respondents/writ petitioners requests time to seek instructions in this regard and to produce the notification said to have been issued, acquiring the said land for public purpose.
>
> As it is a crucial issue to decide the lis involved in this writ appeal, list the matter, finally, for the purpose of producing the said land acquisition proceedings before the Court, on 04.05.2026.
>
> Learned Assistant Government Pleader for Revenue appearing for the official respondents is also directed to seek instructions in this regard, whether any land acquisition proceedings are initiated in respect of the subject land, by the next date of hearing."

17. The respondent No.7 has filed an affidavit dated 07.07.2026. In paras-3 & 4, it has been stated that the land acquisition proceedings were not taken. Instead, the lands were resumed on payment of market value as per G.O.Ms.No.259, Revenue (ASSN.I) Department, dated 21.06.2016 and

the compensation payable to the effected persons were calculated in full compliance with law. Para Nos.3 & 4 of the affidavit dated 07.07.2026 read as under:

> "3. It is further submitted that Land Acquisition proceedings were not taken up in this case. Instead, the lands were resumed on payment of Market Value as per G.O.Ms.No.259, Revenue (ASSN.I) Department, dated 21.06.2016, in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013).
>
> 4. It is submitted that the compensation payable to the affected parties was calculated strictly under the framework of the RFCTLARR Act, 2013, duly applying the multiplication factor under Section 26, considering the parameters under Section 27, and granting solatium under Section 30, thereby ensuring that the market value, statutory benefits and entitlements are extended in full compliance with law."

18. In view of the affidavit filed by the Revenue Divisional Officer – respondent No.7, inter-alia paras-3 & 4 as quoted above, it is their case that the subject land was not acquired under the Act, 2013. The same was resumed from the assignees.

19. Learned counsel for respondent Nos.1 to 4 submits that the order dated 21.01.2026 was passed in I.A.No.1 of 2026 in the writ petition after the judgment dated 16.12.2025 and from perusal thereof it is evident that both the learned counsels jointly represented that the order dated 16.12.2025 be modified and the direction be given to 'Revenue Divisional Officer' to refer the matter to the competent authority under Section 64 of

the Act, instead of the Joint Collector and so the writ appellant is estopped from raising the plea of in applicability of Section 64 of the Act, 2013.

20. We have considered the aforesaid submissions of the learned counsels for the parties and perused the material on record.

21. The question is whether Section 64 of the Act, 2013 is attracted to the facts of the present case so as to enable the party to approach Revenue Divisional Officer for making a reference to the 'Authority'.

22. Section 64 of the Act, 2013 read as under:

> "64. **Reference to Authority**.–(1) **Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority**, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:
>
> Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:
>
> Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.
>
> (2) The application shall state the grounds on which objection to the award is taken:
>
> Provided that every such application shall be made—
>
> (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
>
> (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:
>
> Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

23. Section 64 provides that any person interested who has not accepted the award may be written application to the Collector require that the matter be referred by the Collector to the Authority for the determination of the Authority, on the points as mentioned in Section 64 of the Act, 2013 i.e., the objections relating to measurement of the land; amount of the compensation, the person to whom it is payable, the right of rehabilitation and resettlement or the apportionment of the compensation.

24. So, for applicability of Section 64 there must be an 'award' and any party interested must not have accepted the award. If there is no award, there would be no question of any party interested who had not accepted the award, for making the application for reference under Section 64.

25. The question therefore is 'if there is an award under the Act, 2013'.

26. "Award" has not been defined under the Act, 2013. However, Section 23 provides for enquiry and land acquisition award by Collector. Enquires has to made into the objections filed by the persons interested pursuant to the notice under Section 21, to the measurements made under Section 20 and into the value of the land at the date of publication of the notification and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement. Section 24 provides that the land acquisition process under the Act No. I of 1894 i.e., land acquisition Act, 1894 shall be deemed to have lapsed in certain cases, inter-alia where no

award under Section 11 of land Acquisition Act has been made. Under Chapter – IV, the Collector/Land Acquisition Officer has to pass an award. Under Chapter – VIII also the authority has to pass an award under Section 69 of the Act, 2013. Such an award is deemed to be decree under Section 70(2) and the statement of the grounds of every such award is deemed to be a judgment within the meaning of Clause (2) and clause (9) of Section 2 of the Code of Civil Procedure, 1908. Further such an award is executable being a deemed decree. Section 60(2) of the Act, 2013, confers the original jurisdiction to adjudicate upon every reference made to the Authority under Section 64. The Authority determines the reference after the reference application is made to him by the Collector/Land Acquisition Officer under Section 64 or on the application made by the applicant on failure of the collector to make a reference to him.

27. So, though the Act uses the expression ‘award’ at many places, it has not been defined under the Act, however from the scheme of the Act it can be determined whether an adjudication is award or not. So, it requires consideration, if there was an award within the meaning of Section 64 of the Act. For the purpose of Section 64 to enable the person interested to file written application to make a reference to the Authority by the Collector, there has to be an award. In the absence of an award under the Act, 2013, the provisions of Section 64 will not apply.

28. The relevant question for consideration therefore was if their exists an award within the meaning of Section 64 or not? If it is a case of resumption of land, whether such resumption is under the Act, 2013 or under the Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971)? and whether the compensation granted on resumption would be an 'Award' under the Act, 2013? so as to attract Section 64 of the Act.

29. We find that any such consideration has not been made in the judgment in the writ petition. That was the basic fact for determination and it was only when such determination had been made that the award was passed under the Act, 2013 an order directing the parties to take recourse to Section 64 of the Act, 2013 as also directing the RDO to make the reference and to decide such reference could have been issued.

30. For the determination of such question, the pleadings in the writ petition as also the counter affidavit required consideration. There is no such consideration and without adverting to the material issue the writ petition was disposed of in the light of the provisions of Section 64 of the Act.

31. The contention of the learned counsel for respondent Nos.1 to 4 (writ petitioners) that in view of the order dated 21.01.2026, it is not open to the appellant to take this ground of 'no applicability of Section 64', cannot be accepted. The question of applicability of the legal provisions, viz., Section 64, on the facts not in dispute is a pure question of law. It cannot be said

that the correct provision should not be applied, and if some incorrect provision was stated by the learned counsels to be applicable and the order was passed thereon, so, the order, cannot be revisited. The legality of the judgment impugned in writ appeal in the light of the correct legal provisions, shall always be open. The law is also well settled that there cannot be an estoppel against the statute. If Section 64 is not attracted, it cannot be that the party or his counsel cannot raise the submission in writ appeal that Section 64 is not applicable. We may refer to the judgment of Hon'ble Apex Court in ***State of U.P. v. U.P.Rajya Khanij Vikas Nigam Sangharsh Samiti***[1] and ***A.P.Pollution Control Board II v. M.V.Nayudu***[2], in which it has been held that "it is settled law that there can be no estoppels against the statute".

32. Consequently, the judgments in appeal dated 16.12.2025 & 21.01.2026 deserve to be set aside. The writ petition deserves to be restored for fresh decision, keeping in view, "whether the present is a case of an 'award' passed under the Act, 2013" and then if so, whether the remedy to the parties is to take recourse to Section 64 of the Act, 2013.

33. The judgment and order dated 16.12.2025 & 21.01.2026 is set aside. The writ petition is restored to its original number for fresh decision.

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[1] (2008) 12 SCC 675
[2] (2001) 2 SCC 62

34. The affidavit filed by the respondents in the writ appeal pursuant to the order passed by the Co-ordinate Bench dated 27.04.2026, shall also form part of the record of the writ petition.

35. The Writ Appeal is allowed as aforesaid.

No order as to costs.

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

RAVI NATH TILHARI,J

PURUSHOTTAM KUMAR CHINTALAPUDI,J

Dated: 13.07.2026
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

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