

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Appeal No. 140 of 2015

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DATED:17.03.2015

Between:
Gunreddy Ramkoti Reddy and others.

... Appellants

And

The State of Andhra Pradesh,
Represented by its Secretary,
Revenue Department,
Hyderabad and others.

....Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
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-
Writ Appeal No. 140 of 2015

Judgment: (per Hon'ble Sri Justice Sanjay Kumar)

The unsuccessful petitioners in Writ Petition No. 26156 of 2006 are in appeal aggrieved by the dismissal of their writ petition by the learned Single Judge by order dated 28.4.2014. By way of the said writ petition, the appellants/writ petitioners had sought invalidation of the land acquisition award dated 29.6.2006 and a consequential direction to conduct an enquiry under Section 5-A of the Land Acquisition Act, 1894 (for brevity 'the Act of 1894').

The appellants/writ petitioners had earlier filed Writ Petition Nos. 15450 and 15995 of 2006 assailing the notification issued under Section 4(1) of the Act of 1894 and the dispensing with the enquiry under Section 5-A of the Act of 1894. The said writ petitions were allowed in the first instance by separate orders passed in July and August, 2006. However, upon the review petitions filed by the State, this Court took note of the fact that the land acquisition award had already been passed on 29.6.2006 against the writ petitioners and accordingly dismissed the writ petitions by separate orders dated 7.12.2006 and 30.04.2007.

Admittedly, the orders passed by this Court allowing the review petitions and dismissing the earlier writ petitions filed by

the appellants/writ petitioners attained finality. There is no indication that this Court granted liberty to the appellants/writ petitioners to raise the issues earlier raised by them in Writ Petition Nos. 15450 and 15995 of 2006 in the subsequent proceedings, if any, instituted by them. In that view of the matter, it is not open to the appellants/writ petitioners to re-open the issue of dispensing with the enquiry under Section 5-A of the Act of 1894 in so far as the acquisition of their lands is concerned. Merely because the contiguous land owner filed a separate case in Writ Petition No. 11768 of 2006 which was disposed of on 16.6.2006 directing the authorities to conduct an enquiry under Section 5-A of the Act of 1894 and the said order was not disturbed as it was passed prior to the passing of the land acquisition award on 29.6.2006, the appellants/writ petitioners cannot seek to claim parity with him.

It may also be noticed that the interim order of status-quo passed in Writ Petition No. 26156 of 2006 was vacated on 4.3.2009 and was confirmed in appeal in Writ Appeal No. 396 of 2009. Perusal of the order dated 4.3.2009 reflects that the appellants/writ petitioners were well aware of the fact that this Court had drawn a distinction between Writ Petition Nos. 15450 of and 15995 of 2006 filed by them and Writ Petition No. 11768 of 2006 filed by the neighbouring land owner. The order also reflects that the appellants/writ petitioners stood dispossessed of their lands in the year 2006 itself.

Given the above facts, it is clear that the appellants/writ petitioners are only seeking to gain the benefit of the order passed in favour of the neighbouring land owner in Writ Petition No. 11768 of 2006. However, such benefit cannot be extended to them in the

light of the orders suffered by them in their own writ petitions, which attained finality, and they cannot be permitted to re-open such issues. The learned Single Judge dismissed the writ petition holding to this effect. We therefore find no reason to interfere with the said order.

The writ appeal is devoid of merit and is accordingly dismissed.

Pending miscellaneous applications shall also stand closed. No costs.

K.J. SENGUPTA,
CJ

SANJAY KUMAR, J

17th March, 2015
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