

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

AND

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

LAAS.NOs.452, 277 AND 316 OF 2006

COMMON ORDER: {Per the Hon'ble Sri Justice A.Gopal Reddy}

Learned Senior Civil Judge, Peddapalli, answering the reference made under Section 18 of the Land Acquisition Act, 1894, enhancing the compensation from Rs.7,800/- to Rs.12,500/- per acre for dry lands and from Rs.10,300/- to Rs.15,000/- per acre for wet lands by judgment dated 30.03.1990. Two appeals being placed in A.S.No.2379 of 1992 and 2940 of 1996 were filed before this Court. In A.S.No.2397 of 1992, a Division Bench of this Court upheld the award of the learned Senior Civil Judge, Peddapalli, granting compensation of Rs.12,500/- per acre for the dry lands and Rs.15,000/- per acre for the wet lands. In another appeal being A.S.No.2940 of 1996, the Division Bench of this Court, by order dated 22.02.2000, set aside the judgment of the reference Court and remanded the case for fresh disposal.

Subsequent to the remand, the reference Court again decided O.P.No.380 of 1987 on 27.04.2000 enhancing compensation from Rs.7,800/- to 30,000/- per acre for the dry lands and from Rs.10,300/- to Rs.35,000/- for the wet lands. Against that judgment, the

beneficiary-Company filed an appeal in A.S.No.2949 of 2000, which was, initially, dismissed for default on 18.10.2006 and on restoration, decided it on merits by the Division Bench of this Court on 08.12.2006, allowing the appeal reducing the compensation awarded and fixed at Rs.25,000/- per acre uniformly for all types of lands.

In view of the above, the proper remedy, if any, available for the appellant-Singareni Collieries Company Limited is either to seek review of the judgment dated 18.10.2006 or to carry the matter in further appeal before the Supreme Court, pointing out the inconsistency of the orders. The enhancement if made in the present O.P., which is the subject matter of the present appeal is solely relying upon the compensation fixed in O.P.No.387 of 1987, the correctness of the remand order cannot be gone into in the present batch of appeals, as desired by the Division Bench by referring the matter to the Full Bench. Having regard to the subsequent event of allowing the appeal filed by the requisition department Singareni Collieries Company Limited, the appeals have to be heard on merits by the Division Bench. It is for the Division Bench either to accept the evidence in O.P.No.387 of 1987 to base the enhancement or not and can decide the same on its own merits.

Reference is answered, accordingly.

In view of answering the reference in L.A.A.S.No.452 of 2006, the other appeals, which are posted along with L.A.A.S.No.452 of

2006 and batch, have to be decided on merits by the Division Bench separately.

Office is directed to post the appeals before the regular Division Bench hearing the land acquisition matters.

(B.PRAKASH RAO, J)

(A.GOPAL REDDY, J)

(C.V.NAGARJUNA REDDY, J)

6th December 2010
RRB