

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Smt. Justice T.Rajani

LAAS.No.131 of 2016

Date: 18.01.2017

Between:

Land Acquisition Officer,
Revenue Divisional Officer, Nizamabad

... Appellant

and

R.Laxmibai and 36 others

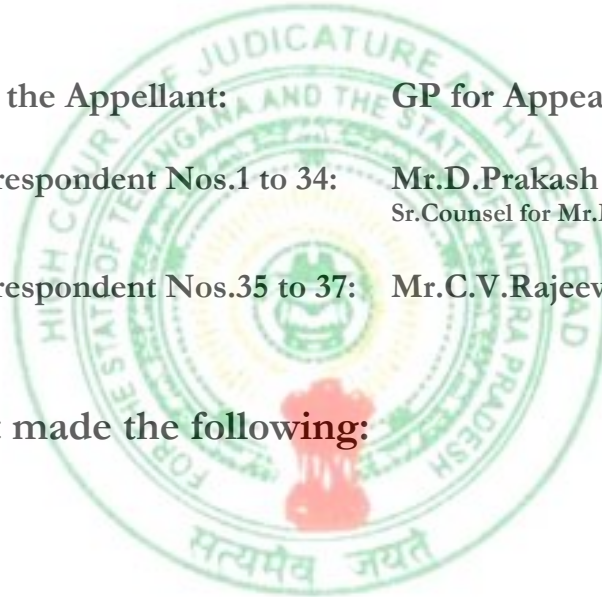
... Respondents

Counsel for the Appellant: GP for Appeals

**Counsel for respondent Nos.1 to 34: Mr.D.Prakash Reddy,
Sr.Counsel for Mr.M.Goutham Reddy**

Counsel for respondent Nos.35 to 37: Mr.C.V.Rajeeva Reddy

The Court made the following:



Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

At the interlocutory stage, the Land Acquisition Appeal (for short 'the Appeal') is taken up for hearing and disposal with the consent of the learned Counsel for both parties.

This Appeal is filed against Order and Decree, dated 16-12-2015, in LAOP.No.157 of 2013 on the file of the I Additional District Judge, Nizamabad.

In the manner we propose to dispose of the Appeal, it is not necessary to record the facts in detail.

At the hearing, Mr.C.V.Rajeeva Reddy, learned Counsel for the impleaded respondents *i.e.*, respondent Nos.35 to 37- Railways and its functionaries, submitted that as his clients were not put on notice by the reference Court, the impugned Order is liable to be set aside. In support of his submission, the learned Counsel has placed reliance on Section 50 (2) of the Land Acquisition Act, 1894 (for short 'the Act'), and the Constitution Bench Judgments of the Supreme Court in **U.P.Awas Evam Vikas Parishad Vs. Gyan Devi (Dead)**

by LRs and another¹ and M/s.Neyvely Lignite Corpn. Ltd., vs Special Tahsildar (Land Acquisition), Neyvely and others².

Mr.D.Prakash Reddy, learned Senior Counsel appearing for Mr.M.Goutham Reddy, learned Counsel for respondent Nos.1 to 34, while not disputing the submission of the learned Counsel for respondent Nos.35 to 37, however, sought to distinguish the said judgment by stating that Section 50 (2) of the Act deals only with the expression 'Local Authority or Company'; that the beneficiary in the present case *viz.*, the Railways does not fall within either of these two expressions; and that therefore, neither the said provision nor the judgment of the Supreme Court in **U.P.Awas Evam Vikas Parishad** (1 supra) is attracted.

The learned Senior Counsel, however, conceded that in **M/s.Neyvely Lignite Corpn. Ltd.** (2 supra), the two words "Local Authority or Company" in Section 50 (2) of the Act fell for consideration of the Apex Court, which held that every 'aggrieved person' as defined in Section 3(b) of the Act is governed by Section 50 (2) of the Act.

¹ AIR 1995 Supreme Court 724 (1)

² AIR 1995 Supreme Court 1004 (1)

In the light of the law laid down by the Supreme Court in the afore-mentioned judgments and having regard to the admitted fact that respondent Nos.35 to 37 were not put on notice before passing the impugned order, the same cannot be sustained.

At this stage, Mr.C.V.Rajeev Reddy, learned Counsel for Railways, submitted that LAOP.Nos.326, 325 and 478 of 2013, which are connected to LAOP.No.157 of 2013, out of which the present Appeal arises, stands posted to 1st March, 2017, before the reference Court and that the said Court may be directed to dispose of LAOP.No.157 of 2013 also along with those OPs.

Mr.D.Prakash Reddy, learned Senior Counsel, did not oppose the above request of the learned Counsel for the Railways.

In the light of the above, the Appeal is allowed and Order and Decree, dated 16-12-2015, in LAOP.No.157 of 2013 on the file of the I Additional District Judge, Nizamabad, are set aside. The learned I Additional District Judge, Nizamabad, is directed to dispose of

LAOP.No.157 of 2013 along with LAOP.Nos.326, 325 and 478 of 2013 as expeditiously as possible and not later than four months from the date of receipt of this order.

As a sequel, interim order, dated 31-10-2016, as extended by further orders, is vacated and LAASMP.No.468 of 2016 is disposed of.

(C.V.Nagarjuna Reddy, J)

(T.Rajani, J)

Dt: 1st February, 2017
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