

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Delivered on :19-07-2017

Coram :

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

L.A.A.S.No.141 of 2016

Between:

Ala Balraj S/o. Late A. Ramaiah
R/o. H.No.10-77, Brahmanveedhi,
Shamshabad Village and Mandal, R.R. District.

Appellant/Claimant No.2

Vs.

1. Ala Lakshmi Narsaiah (died) per LRs No.3 to 10.

Respondent/Claimant No.1

2. The Land Acquisition Officer, International Airport, Shamshabad, Hyderabad.

3. Smt. Ala Rukkamma W/o. Late Lakshmi Narsaiah,

4. Sri Ala Narsing Rao S/o. Late Lakshmi Narsaiah

5. Sri Ala Krishna S/o. Late Lakshmi Narsaiah

6. Sri Ala Venkatesham S/o. Late Lakshmi Narsaiah

7. Sri Ala Dhanraj S/o. Late Lakshmi Narsaiah

8. Sri Ala Chandra Sekhar S/o. Late Lakshmi Narsaiah

9. Smt. Podupati Vara Lakshmi D/o. Late Lakshmi Narsaiah

10. Smt. Bodu Saraswathi D/o. Late Lakshmi Narsaiah

All are R/o. H.No.10-75/1, Brahmanveedi, Shamshabad Village and Mandal, R.R. District.

Respondents

Counsel for the appellant : Mr. K. Shyam Sunder Rao

Counsel for the respondents : Mr. M. Jeevan Reddy.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

L.A.A.S.No.141 of 2016

JUDGMENT: (Per Hon'ble Sri Justice V. Ramasubramanian)

This appeal arises out of a judgment of the reference Court, viz., the Principal Senior Civil Judge, Ranga Reddy District, enhancing the compensation payable for the land acquired, at Rs.950/- per sq. yard. The reference was obviously under Section 18 of the Land Acquisition Act, 1894.

2. But while disposing of the reference, the reference Court indicated that the 1st claimant Ala Lakshmi Narsaiah was entitled to receive the entire compensation. Such an observation, which could have been made only on a reference under Section 31, was made in the reference under Section 18. Therefore, the other persons, who stake a claim for a portion of the compensation, have come up with the above appeal. The appellants do not challenge the enhancement of compensation granted by the reference Court but challenge only one part of the decree by which claimant No.1 alone was directed to be paid the compensation.

3. It appears that the claimant No.1 in whose favour the reference Court passed an order is dead and his legal heirs have been brought on record as respondents 3 to 10.

4. The appellant and respondents 3 to 10 have now entered into a compromise. The joint memo of compromise reads as follows:

JOINT MEMO OF COMPROMISE FILED BY THE APPELLANT AND
RESPONDENT NOS.3 TO 10 LEGAL REPRESENTATIVES OF
DECEASED FIRST RESPONDENT

May it please your Lordship:

It is respectfully submitted that upon the advise of elders and to relieve themselves from protracted litigation the appellant and the respondents 3 to 10 LRs. of deceased first respondent herein mutually settled the matter out of the Court by following terms and conditions as under:

1. The appellant and the respondents 3 to 10 herein, who are the LR's of deceased first respondent herein, admitted that there was oral partition of all immovable properties in the year 1989 written as "Panchotinama" dated 10.09.1989 among the said two brothers namely Ala Balraj and Ala Laxminarasaiha during the life time of their father Ala Ramaiah. It is admitted that the said oral partition was reduced to writing styled as "AASTHI PAMPAKA PATRAM" (Memorandum of Past Partition) dated 29.12.1991 duly signed by said two brothers and also admitted that a declaration dated 29.12.1991 was made by appellant and further admitted that the land in question bearing Sy.No.35 admeasuring Ac.3.21 gts., acquired for the said International Airport, Shamshabad was fallen to the share of deceased first respondent HEREIN exclusively and the said parties are in possession and enjoyment of the lands fallen to their respective shares, since then.

2. However, the Appellant herein is entitled to receive and withdraw at the Rate of 10% of the enhanced compensation amount partly deposited already in pursuance of the order dated 15.02.2017 in L.A.A.S.M.P.No.73 of 2017 in L.A.A.S.No.39 of 2017 passed by the Hon'ble High Court and in the amounts to be deposited further in future from time to time towards the full satisfaction of enhanced compensation to the credit of O.P.No.304 of 2003 on the file of Principal Senior Civil Judge, Ranga Reddy District by following the said same percentage of 10% (ten percent).

3. The respondents 3 to 10 herein being the legal representatives of deceased Ala Laxminarasaiha are entitled to receive and withdraw @ 90% (ninety percent) i.e. the entire balance amount out of the enhanced compensation amount partly deposited already in pursuance of the said order dated 15.02.2017 in L.A.A.S.M.P.No.73 of 2017 in L.A.A.S.No.39 of 2017 by the Hon'ble High Court and in the amounts to be deposited further in future from time to time towards the full satisfaction of enhanced compensation to the credit of O.P.No.304 of 2003 on the file of Principal Senior Civil Judge, Ranga Reddy District by following the said same percentage of 90% (ninety percent).

4. In view of the above said compromise the appellant herein shall withdraw the suit O.S.No.1138 of 2016 on the file of IV Additional District Judge, R.R. District at L.B. Nagar as not pressed without costs forthwith.

Therefore, it is prayed that this Hon'ble Court may be pleased to record the Memo of Compromise and dispose of the above appeal L.A.A.S.No.141 of 2016 on the file of this Hon'ble Court in terms of compromise Memo by passing appropriate orders in the interest of justice.

Date: 18-07-2017

APPELLANT.

COUNSEL FOR THE APPELLANT

RESPONDENTS 3 TO 10Sd/-
3. ALA RUKKAMMASd/-
4. ALA NARASINGA RAOSd/-
5. ALA KRISHNASd/-
6. ALA VENKATESHAMSd/-
7. ALA DHAN RAJSd/-
8. ALA CHANDRASHEKARSd/-
9. SMT. PUDUPATI VARALAXMISd/-
10. SMT. BODU SARASWATHI

COUNSEL FOR RESPONDENTS 3 TO 10

5. In view of the same, the appeal is disposed of in terms of the above compromise memo. As a sequel, miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.



 JUSTICE V. RAMASUBRAMANIAN

 JUSTICE N. BALAYOGI

19th July, 2017
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

L.A.A.S.No.141 of 2016

(Per VRS,J)



19th July, 2017
Js.