

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT JUSTICE T. RAJANI

LAAS.No.570 of 2011

DATED: 11.04.2017

Between

The Land Acquisition Officer-cum-
Special Deputy Collector, (LA & REH),
Kurnool District.

...APPELLANT

And

A. Hussain.

...RESPONDENT

COUNSEL FOR THE APPELLANT: GP FOR APPEALS (AP)

COUNSEL FOR THE RESPONDENT: MR. G. VENKAT REDDY
For MR. K. RATHANGAPANI REDDY



THE COURT MADE THE FOLLOWING:

JUDGMENT: (*per the Hon'ble Sri Justice C.V. Nagarjuna Reddy*)

At the interlocutory stage, this appeal is taken up for hearing and disposal.

2. This appeal is filed against the order and decree dated 30.04.2009 in O.P.No.3 of 2006 on the file of the II Additional Senior Civil Judge, Nandyal feeling aggrieved by the enhancement of market value of the acquired land.

3. Five persons, claiming to be the legal representatives of the respondent in the appeal, filed LAASMP.No.303 of 2017 wherein it is stated that the order under appeal was passed on 30.04.2009 and the sole respondent has died on 13.08.2009. They sought to come on record in place of the dead person.

4. Learned Government Pleader has not disputed the fact that by the time the appeal was filed, the sole respondent died. Obviously without being aware of this fact the Land Acquisition Officer filed the appeal.

5. In our opinion, the very appeal against a dead person cannot be treated as an appeal in the eye of law. When the very institution of appeal itself suffers from inherent defect, the same cannot be cured at the instance of the legal representatives of the deceased sole respondent. Added to this, the appellant has not taken any steps to bring on record the legal representatives of the deceased sole respondent.

For the aforementioned reasons, the appeal filed against a dead person is dismissed as not validly presented.

As a sequel to the dismissal of the appeal, LAASMP.No.303 of 2017 and 304 of 2012 shall stand dismissed as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

JUSTICE T. RAJANI

Date: 11.04.2017
LSK/DSK