

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NOS.1437 & 1440 OF 2013

COMMON ORDER:

Both the civil revision petitions are filed assailing the orders in I.A.No.1099 and 1100 of 2011 and L.A.O.P.No.67 of 2009 dated 28.02.2013 passed by the Senior Civil Judge, Markapur, dismissing the applications filed under Order I Rule 10 C.P.C. to implead the petitioners as respondents 3 & 4 in L.A.O.P.No.65 of 2009.

Under Section 18 of Land Acquisition Act (for short 'Act'), reference has to be made to the Court when the objections were filed against the compensation awarded by the trial Court, claiming enhanced rate of compensation and the parties who filed such objections should alone be arrayed as parties to the reference under Section 18, as claimants. Further, the details of interested persons shall be disclosed under Section 19 of Land Acquisition Act and they need not be arrayed as claimants in reference to Section 18 of the Act.

However, this question is no more *res integra* in view of the judgment of the larger bench in **Repaka Byhravamurthy and another v.. Muppidi Venkataraju and others**¹, wherein, the Bench consisting of five judges held that a third party cannot come on record under Order I Rule 10 C.P.C in a reference under Section 18 of the Land Acquisition Act.

But, **Muthavalli of Sha Madhari Diwan Wakf S.J. Syed Zakrudeen and another Vs. Syed Zindasha and others**², the

¹ CDJ 2001 APGC 1586

² (2009) 12 SCC 280

Apex Court held that in a reference under Section 18 of the Act for enhancement of compensation, the provisions of Order I Rule 10 of CPC for impleadment of a third party is not maintainable since the Land Acquisition Act itself is self-contained code and third party cannot be allowed to come on record . In view of this judgment, in a reference under Section 18 of the Act, the petitioner cannot be permitted to come on record under Order I Rule 10 of CPC. Even according to Section 18 of the Act, the only persons, who filed objections, alone are arrayed as claimants. But, under Section 19 of the Act, names of the persons, who are interested, can also be disclosed in the reference made under Section 18 of the Act.

Following the principle laid down by the Apex Court and Larger Bench of the this Court, I find no merit in this revision petitions. However, the petitioners filed W.P.No.7339 of 2008 before this Court, as the award was already passed and a reference was sent to this Court, this Court directed the petitioners to work out their remedies in appropriate proceedings. Even in the writ petition also, no leave was granted to come on record as claimants, in view of settled legal principle referred supra. Thereby, the petitioners are given liberty to agitate their right to claim compensation before appropriate forum.

In the result, both the civil revision petitions are dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:24.07.2017

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