

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE T.RAJANI
LAAS.Nos.108 and 119 of 2014, 115 and 116 of 2015
Date:17.3.2017
LAAS.No.108 of 2014

Between:

The Land Acquisition Officer (Industries),
R.R. District at Hyderabad.

..... Appellant

And:

M.Rajeshwari Bai,
W/o M.V.Rama Rao and others.

.....Respondents

Counsel for the appellant: Special Government Pleader (TS)

Counsel for respondent Nos.1 to 3: Mr. K.Raghuveer Reddy

Counsel for respondent No.4: Mr. L.Prabhakar Reddy

LAAS.No.119 of 2014

Between:

The Land Acquisition Officer (Industries),
R.R. District at Hyderabad.

..... Appellant

And:

M.Rajeshwari Bai,
W/o M.V.Rama Rao and others.

.....Respondents

Counsel for the appellant: Special Government Pleader (TS)

Counsel for respondent Nos.1 & 2: Mr. K.Raghuveer Reddy

Counsel for respondent No.3: Mr. L.Prabhakar Reddy

AND

LAAS.Nos.115 and 116 of 2015

Between:

M/s Bharath Electronics Ltd.,
reptd., by its Chairman & Managing
Director, Mallapur Village.

..... Appellant

And:

N.Rajeswari Bai,
W/o M.V.Rama Rao and others..

.....Respondents

Counsel for the appellant: Ms. V.Uma Devi

Counsel for respondent Nos.1 to 3: Mr. K.Raghuveer Reddy

Counsel for respondent No.4: Special Government Pleader(TS)

Counsel for respondent No.5: Mr. L.Prabhakar Reddy

The Court made the following:



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

LAAS.Nos.108 and 119 of 2014 have been filed by the Land Acquisition Officer (Industries), Ranga Reddy District.

LAAS.Nos.115 and 116 of 2015 have been filed by M/s Bharath Electronics Limited.

LAAS.Nos.108 of 2014 and 115 of 2015 arise out order and decree, dated 30.9.2013, in LAOP.No.223 of 2004 on the file of the learned Principal District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad.

LAAS.Nos.119 of 2014 and 116 of 2015 arise out order and decree of even date of the same Court in LAOP.No.224 of 2004.

At the outset, it needs to be noted that the issue adjudicated in both the afore-mentioned LAOPs is common, viz., fixation of market value in respect of different parcels of land acquired by the State for the purpose of the beneficiary, i.e., M/s Bharath Electronics Limited.

The facts of the cases are briefly stated hereunder:

An extent of Acres.21-08 guntas of land situated at Mallapur Village, Uppal Mandal, Ranga Reddy District was acquired under a notification published under Section-4(1) of the Land Acquisition Act, 1894 (for short 'the Act') on 18.7.2001; that the said land was notified on the requisition

made by the General Manager, APIIC, Hyderabad for being allotted to M/s Bharath Electronics Limited (for short 'the beneficiary'); that the declaration under Section-6 of the Act was published on 19.7.2001; and that the Land Acquisition Officer has passed the award on 15.10.2003 granting compensation for the acquired land at the rate of Rs.7,25,000/- per acre. The private respondents in both the afore-mentioned LAOPs sought reference of the disputes to the Reference Court under Section-18 of the Act. At their instance, the disputes were referred, which were registered as L.A.O.P.Nos.223 and 224 of 2004.

In LAOP.No.223 of 2004, the claim of the first claimant for enhancement of compensation was in respect of Ac.0.38 guntas in Survey No.102; that of the second claimant was in respect of Ac.0.20 guntas in Survey No.120; and that of the third claimant was in respect of Ac.0.21 guntas in Survey No.119.

Though similar points were involved, the Reference Court has conducted separate trials and disposed of the said LAOPs by separate, but identical orders on 30.9.2013, by which, it has enhanced the market value of the acquired land from Rs.7,25,000/- per acre to Rs.18 lakhs per acre in addition to all statutory benefits payable on such enhanced market value. Feeling aggrieved by these orders, the State, represented by the

Land Acquisition Officer, has filed LAAS.Nos.108 and 119 of 2014 and the beneficiary has filed LAAS.Nos.115 and 116 of 2015.

At the hearing, Ms. V.Uma Devi, learned counsel for the beneficiary-appellant in LAAS.Nos.115 and 116 of 2015, submitted that the beneficiary had no notice of the Reference proceedings and consequently, it was denied the opportunity of participating in the Reference proceedings. She has, therefore, submitted that the orders and decrees under appeals are liable to be set aside on this ground alone. In support of her submission, she has placed reliance on the judgment of the Supreme Court in *U.P.Awas Evam Vikas Parishad Vs. Gyan Devi (dead) by L.Rs and others*¹.

Mr. K.Raghuveer Reddy, learned counsel for the respondents-claimants, did not dispute either the fact that the beneficiary was not put on notice and that it could not participate in the Reference proceedings as, it was not a party thereof or the law laid down by the Supreme Court in *U.P.Awas Evam Vikas Parishad* (supra), wherein it was *inter alia* held that the Collector and the Reference Court shall be under obligation to intimate the local authority or the company about the pendency of the proceedings to enable it to lead evidence; that

¹ (1995) 2 SCC 326

non-appearance of the local authority or Company in pursuance of the notice sent by the Collector would not absolve the Reference Court from issuing any notice to the local authority or the company; that if the local authority or the Company appears in the proceedings and leads evidence, as provided under sub-section-2 of Section-50 of the Act, it shall be made a party in the subsequent proceedings; and that its non-impleadment shall render the proceedings invalid.

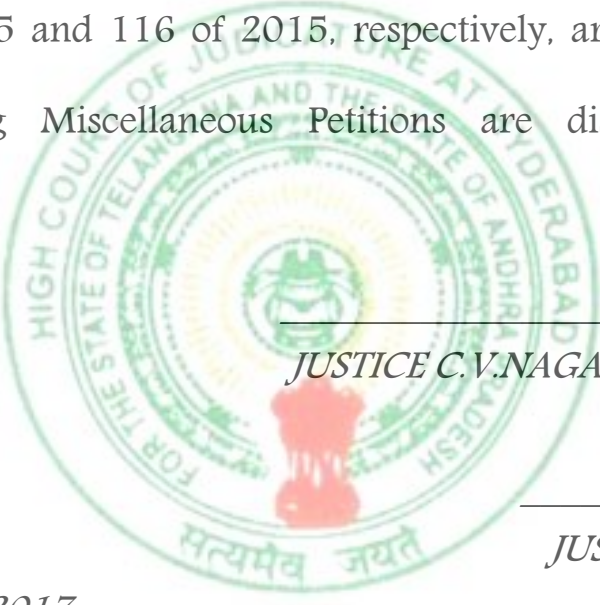
In the instant case, it is not in dispute that neither the Collector nor the Reference Court had issued notice to the beneficiary, as a result of which, it was denied the opportunity of adducing evidence in the Reference proceedings.

In the light of these admitted facts and the legal position, the orders under appeals cannot be sustained and the same are accordingly, set aside.

The appeals are, accordingly, allowed. The matters are remanded to the Reference Court for fresh adjudication on merits. Since the beneficiary itself has filed the appeals, we feel that there is no need for formal notice to be issued to it either by the Collector or by the Reference Court. The Reference Court is, however, directed to allow the beneficiary to participate in the proceedings before it and permit it to lead evidence. The Reference Court shall also permit the claimants to lead further

evidence, if any, and dispose of the Reference proceedings as expeditiously as possible, and not later than four months from the date of receipt of a copy of this judgment.

As a sequel to disposal of the appeals, interim order, dated 30.12.2014, in LAASMP.No.1082 of 2014 in LAAS.No.108 of 2014 and interim order, dated 30.12.2014, in LAASMP.No.1105 of 2014 in LAAS.No.119 of 2014, interim orders, dated 29.6.2015, in LAASMP.Nos.523 and 529 of 2015 in LAAS.Nos.115 and 116 of 2015, respectively, are vacated and the pending Miscellaneous Petitions are disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

17th March 2017

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