

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SMT JUSTICE T.RAJANI

LAAS.Nos.731 of 2007 & 46 of 2012

Date:01.02.2017

LAAS.No.731 of 2007

Between:

M/s Lakshmi Narayana Aqua Farms,
Nellore, reptd by its Director-L.V.Narasa
Reddy and another.

..... Appellants

And:

Special Tahsildar, Krishnapatnam
Thermal Power Station,
(Land Acquisition), Nellore and
eight others.

.....Respondents

Counsel for the appellants. Mr. M.Ravindranath Reddy

Counsel for respondent Nos.1, 7 & 8: GP for Appeals (AP)

AND

LAAS.No.46 of 2012

Between:

Rafiq Ahmed,
S/o Basheer Ahmed and another.

..... Appellants

And:

Special Tahsildar, Krishnapatnam
Thermal Power Station,
(KPTPS) (LA), Nellore and
eight others.

.....Respondents

Counsel for the appellants: Mr. K.Durga Prasad

Counsel for respondent Nos.1 to 3: GP for Appeals (AP)

The Court made the following:



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

These two appeals arise out of order, dated 10.7.2007, in L.A.O.P.No.95 of 1995 on the file of the learned I Additional Senior Civil Judge, Nellore.

Different extents of lands were acquired in various Survey numbers in Nellore District for establishment of Krishnapatnam Thermal Power Station. As many as six awards were passed on 30.10.1995 by the Land Acquisition Officer. As the Land Acquisition Officer felt that there is a dispute regarding the question as to whether some of the acquired lands form part of the excess lands under the Land Reforms Act, 1950 (for short 'the 1950 Act'), he got the matters referred under Sections-30 and 31 of the Land Acquisition Act, 1894 (for short 'the Act') to the Reference Court, which were registered as L.A.O.P.Nos.94 and 98 of 1995. In both these L.A.O.Ps., the Reference Court rejected the claim of the claimants therein holding that the acquired lands were part of the excess lands under the 1950 Act and accordingly, held that in view of pendency of the appeals before the Land Reforms Appellate Tribunal, the claimants therein were not entitled to withdraw the compensation amount till disposal of those appeals. Feeling aggrieved by the said order, the claimants therein preferred Appeal Suit Nos.1467 and 1468 of 1999. A Division Bench of this Court by its judgment, dated

30.9.2005, in the said Appeal Suits, after receiving the additional evidence, *i.e.*, Exs.A-49 to 52, held that the acquired lands were not part of the excess lands, vide *Sajja Prabhakar and Others Vs. Special Tahsildar (L.A), Krishnapatnam Thermal Power Station, Nellore and another*¹.

At the hearing, we are informed that the Special Leave Petition filed against the afore-mentioned judgment was dismissed by the Supreme Court.

As regards the present appeals, the appellants are claimants in L.A.O.P.No.95 of 1995. The appellants in LAAS.No.731 of 2007 claimed compensation for an extent of Acs.97-91 cents of land and the appellants in LAAS.No.46 of 2012 claimed compensation for an extent of Acs.26-00 cents of land in Survey Nos.340 and 353. The Land Acquisition Officer has referred the dispute under Sections-30 and 31 of the Act to the Reference Court and the same was registered as L.A.O.P.No.95 of 1995. The Reference Court has dismissed the said L.A.O.P. as it has done in L.A.O.P.Nos.94 and 98 of 1995. Feeling aggrieved by the said dismissal, the claimants have filed these two appeals.

Mr. M.Ravindranath Reddy, the learned counsel for the appellants in LAAS.No.731 of 2007, and Mr. K.Durga Prasad, the

¹ 2006(1) ALT 224 (D.B.)

learned counsel for the appellants in LAAS.No.46 of 2012, submitted that the appeals deserve to be allowed following the judgment of the Division Bench in *Sajja Prabhakar and Others* (supra) as, the additional evidence, i.e., Exs.A-50 to 52 produced in the said appeal were the certified copies of the documents, viz., Exs.A-21 to 23, respectively, produced by the appellants herein in L.A.O.P.No.95 of 1995 before the Reference Court, based on which, this Court has held that the lands in L.A.O.P.Nos.94 and 98 of 1995 were not part of the excess lands under the 1950 Act. The learned counsel further submitted that *de hors* these documents, their clients are entitled to succeed in these appeals in view of the subsequent order, dated 12.3.2012, of the Land Reforms Tribunal, Nellore in C.C.Nos.2211/NLR/75 & 4/NLR/79 and also the Certificate, dated 09.4.2012, issued by the Chairman, Land Reforms Tribunal, Nellore to the effect that the declarant-Late Yanati Venu Gopal Reddy, who had surplus land to an extent of Acs.8.37.29 Standard Holding, as per the order, dated 12.3.2012, of the Land Reforms Tribunal, Nellore, has already surrendered the land equivalent to the said Standard Holding to the Government.

Learned Government Pleader for Appeals (Andhra Pradesh) has not disputed the above submissions of the learned counsel for the appellants.

From the undisputed facts referred to above, it is evident that the appellants in these appeals are similarly placed as those in A.S.Nos.1467 and 1468 of 1999, whose appeals were allowed by the Division Bench, vide *Sajja Prabhakar and Others* (supra) by holding that the lands belonging to them and acquired by the respondents were not part of the excess lands under the 1950 Act. Besides the afore-mentioned judgment of the Division Bench, the order, dated 12.3.2012, of the Land Reforms Tribunal, Nellore in C.C.Nos.2211/NLR/75 and 4/NLR/79 along with the Certificate, dated 09.4.2012, issued by the Chairman, Land Reforms Tribunal, Nellore, referred to above, conclusively prove that the acquired lands belonging to the appellants were not part of the excess lands under the 1950 Act.

For the afore-mentioned reasons, the appeals shall succeed and the order, dated 10.7.2007, in L.A.O.P.No.95 of 1995 is set aside. The appeals are, accordingly, allowed.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

01st February, 2017

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