

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.5720 of 2017

Date: 27.10.2017

Between:

Kota Mallikarjuna Rao

..... Petitioner

and

Spl.Tahsildar, Land Acquisition,
(Revenue Division),
Visakhapatnam and 41 others

.....Respondents

Counsel for the Petitioner: Mr.KLN.Swamy

Counsel for respondent Nos.16 & 18 to 21: Mr.M.Koteswara Rao
for Mr.N.Subba Rao

The Court made the following:



Order:

The petitioner, who is a third party to the Lok Adalat Proceedings, filed this Civil Revision Petition feeling aggrieved by Order, dated 07-08-2017, in IA.No.1487 of 2017 in LAOP.No.742 of 1996 on the file of the Principal District Judge at Visakhapatnam.

We have heard Mr.KLN.Swamy, learned Counsel for the petitioner, and Mr.M.Koteswara Rao, learned Counsel representing Mr.N.Subba Rao, learned Counsel for respondent Nos.16 and 18 to 21.

Certain property, relating to which a dispute persisted among respondent Nos.2 to 42, was acquired by the erstwhile Visakhapatnam Municipality. While some of the respondents, who claim to be the owners of the acquired property, claimed the entire compensation, the other respondents, who claim to be the statutory tenants under the Tenancy Laws, also claimed compensation as the statutory tenants. Apart from this dispute, the issue of adequacy of compensation was also raised before the Land Acquisition Officer with a request to refer the same to the competent civil Court. Accordingly, the dispute was referred by

the Land Acquisition Officer to the Principal District Court, Visakhapatnam, under Sections 18, 30 and 31 of the Land Acquisition Act, 1894 (for short 'the Act') and the same has been registered as LAOP.No.742 of 1996.

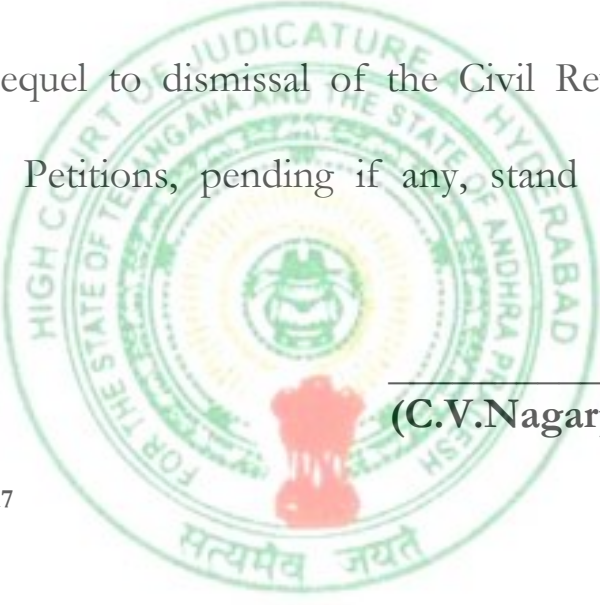
When the case was at the advanced stage, the petitioner herein has filed IA.No.1487 of 2017 under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) seeking his impleadment. The lower Court has dismissed the said IA.

It is not in dispute that nowhere in the Land Acquisition proceedings, the petitioner has figured. The award was passed as far back as the year 1991. The petitioner has not approached the Land Acquisition Officer claiming compensation. As rightly observed by the lower Court, when the scope of the dispute was confined to two aspects viz., true and correct market value of the land and the entitlement and apportionment of compensation among the land owners and the persons claiming to be the statutory tenants, the same cannot be allowed to be expanded with the intervention of the petitioner, who is a third party to the Land Acquisition proceedings. A right to get impleaded in a proceeding referred under Sections 18 and 31 of the Act is not conferred on a third party such as the petitioner by the provisions

of the Act. In this view of the matter, the order of the lower Court does not suffer from any jurisdictional error warranting interference of this Court in exercise of its revisional jurisdiction under Article 227 of the Constitution of India.

Hence, the Civil Revision Petition is dismissed, however, with liberty to the petitioner to avail appropriate legal remedies available to him in law.

As a sequel to dismissal of the Civil Revision Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

Dt: 27th October, 2017
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