

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.23471 of 2008

Between:

The District Collector, Machilipatnam,
Krishna District

..Petitioner

and

The Chairman, District Legal Services Authority,
Krishna District at Machilipatnam and others

..Respondents

JUDGMENT PRONOUNCED ON: 07th September, 2018

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

1. Whether Reporters of local
Newspapers may be allowed
to see the Judgments? : Yes/No

2. Whether the copies of
judgment may be marked to : Yes/No
Law Reporters/Journals?

3. Whether their Ladyship/Lordship
wish to see fair copy of the : Yes/No
Judgment?

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

***THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

+ WRIT PETITION No.23471 of 2008

% 07.09.2018

The District Collector, Machilipatnam,
Krishna District

..Petitioner

Vs.

\$ The Chairman, District Legal Services Authority,
Krishna District at Machilipatnam and others

..Respondents

! Counsel for the petitioner: Government Pleader
for Land Acquisition

Counsel for respondent No.1: Mr.J.Anil Kumar,
standing counsel for Legal Services Authority

Counsel for respondent Nos.2 and 3: None appeared

<Gist :

>Head Note:

? Cases referred:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
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Counsel for the petitioner: Government Pleader
for Land Acquisition

Counsel for respondent No.1: Mr.J.Anil Kumar,
standing counsel for Legal Services Authority

Counsel for respondent Nos.2 and 3: None appeared

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to set aside award, dated 09.11.2006, in Pre-Litigation Case (P.L.C.) No.223 of 2006 on the file of respondent No.1 Lok Adalat at Machilipatnam.

2. We have heard the learned Government Pleader for Land Acquisition (A.P.) appearing for the petitioner and Mr.J.Anil Kumar, learned standing counsel for Legal Services Authority appearing for respondent No.1. The cause list has shown the name of Mr.C.Subba Rao, learned counsel, as appearing for respondent Nos.2 and 3. However, the said counsel has represented that he has not entered appearance for the said respondents. The record shows that notices have been served on respondent Nos.2 and 3.

3. The facts leading to the filing of this writ petition are, briefly, stated hereunder.

Certain lands belonging to respondent No.3 were acquired by the petitioner. Award No.4 of 1975, dated 19.02.1975, was passed fixing the compensation at the rate of Rs.1,550/- per acre. Not satisfied with the compensation awarded by respondent No.2 – the Land Acquisition Officer, respondent No.3 and other similarly situated persons got the

dispute referred to Civil Court under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') and the Civil Court enhanced the compensation to Rs.4,000/- per acre, on 27.09.1980. While respondent No.3 did not carry the matter in appeal against the judgment of the Civil Court, some of the landowners, whose lands were also acquired, filed A.S.No.1370 of 1981 and batch, claiming enhancement of the compensation. This Court, *vide* judgment, dated 04.03.1986, enhanced the compensation to Rs.6,000/- per acre. Respondent No.3 and other landowners filed W.P.No.22661 of 1994, for a direction to the petitioner to re-determine the compensation under Section 28-A of the Act. This Court allowed the said writ petition and directed the petitioner to re-determine the compensation, on 16.07.2004. Respondent No.3 filed P.L.C. No.223 of 2006 before respondent No.1, for a direction to the petitioner to re-determine the compensation as per this Court's judgment, dated 04.03.1986, in A.S.No.1370 of 1981 and batch. Respondent No.2 - the Special Tahsildar, who is the Land Acquisition Officer, filed a counter-affidavit before respondent No.1 agreeing to pay the compensation at the rate fixed by this Court. Based on the said counter-affidavit, respondent No.1 has passed the impugned Lok Adalat award.

4. In the affidavit filed by the petitioner, it is, *inter alia*, stated that respondent No.1 has no jurisdiction to entertain a P.L.C. of the nature initiated by respondent No.3 as under Section 28-A of the Act, such a power is exclusively vested in the “Collector”. It is further averred that respondent No.2 - the Land Acquisition Officer, has far too exceeded his power and jurisdiction by agreeing for re-determination and that a departmental enquiry was initiated, *vide* C.C.L.As. Pro. No.V.S.I (3)/272/07, dated 10.09.2007, and charges have been framed against him.

5. Under Section 19(5) of the Legal Services Authorities Act, 1987 (for short ‘the Act’), a Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of -

(i) any case pending before, or (ii) any matter which is falling within the jurisdiction of and is not brought before, any Court for which the Lok Adalat is organised. Since no case was pending before any Court, clause (i) *supra* is not attracted to this case. Under clause (ii) *supra*, a Lok Adalat will get jurisdiction if a matter falls within the jurisdiction of any Court, for which such Lok Adalat is organised. Therefore, to clutch at the jurisdiction to entertain a P.L.C. of the nature initiated by respondent No.3, the Court, for which the Lok Adalat is

organized, should have the jurisdiction. As rightly pleaded by the petitioner, under Section 28-A of the Act, it is only the Collector, who is vested with the jurisdiction to re-determine the compensation. It is only after the award is passed by the Collector that the aggrieved party can seek reference to the competent Court. Therefore, at the stage, at which respondent No.3 filed P.L.C.No.223 of 2006, the Court, for which the Lok Adalat was organized, had no jurisdiction to decide the dispute.

7. On the above short ground alone, award, dated 09.11.2006, in P.L.C.No.223 of 2006 on the file of respondent No.1 is set aside. The Writ Petition is, accordingly, allowed. This order, however, will not preclude respondent No.3 from availing the appropriate remedies available to him under the Act for re-determination of the compensation.

8. As a sequel to allowing the Writ Petition, W.P.M.P.No.30577 of 2008 filed by the petitioner for interim relief stands disposed of.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

07th September, 2018

Note: L.R. copies to be marked.

(B/o)

GHN