

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

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

A.S.No.2241 of 2002, Cross Objections(Sr.).No.4589 of 2003
and I.A.No.1 of 2016 (A.S.M.P.No.340 of 2016)

Date: 20.04.2018

Between:

The Singareni Collieries Co.Ltd.,
rep. by the General Manager,
Ramagundam Project Area

...

Appellant

And

P.Laxman Rao (C-73),
S/o.Mukuna Rao, aged 36 years,
Occ: Agriculture, R/o.Nagapalli
and two others

...

Respondents

Counsel for the Appellant : Mr. Andapally Sanjeev Kumar,
Special G.P. (TS)
for Mr.J.Sreenivasa Rao,
Standing Counsel for
Singareni Collieries

Counsel for the Respondents: Mr.Y.Ashok Raj for R-1
G.P. for Land Acquisition
for R-2 and R-3

The Court made the following:

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

The Singareni Collieries Company Limited (hereinafter referred to as the appellant), is the beneficiary to the extent of acres 838.13 guntas of land situated in Adrial village, Manthani mandal, Karimnagar district, under the land acquisition undertaken by the erstwhile State of Andhra Pradesh. The Land Acquisition Officer (for short 'the L.A.O.') passed an award vide proceedings No.B/4114/84, dated 03.08.1987, dividing the lands under three categories and fixing market value at Rs.16,000/- for Category-I lands, Rs.7000/- for Category-II lands and Rs.6000/- for Category-III lands. The applications filed by the individual claimants in respect of Ac.654.18½ Gts., were referred to the Court of Senior Civil Judge, Peddapalli (for short 'Reference Court'), and the reference was numbered as O.P.No.78 of 1988. The Reference Court vide its award and decree dated 30.10.1989, has enhanced the market value from Rs.16,000/- to Rs.18,000/- per acre for Category-I lands, from Rs.7,000/- to Rs.10,000/- per acre for Category-II lands and from Rs.6,000/- to Rs.9,500/- per acre for Category-III lands. Not satisfied with the enhancement made by the Reference Court, the claimants filed A.S.Nos.1795 of 1994, 2011 of 1998 and 517 of 1993, before this Court in respect of Ac.444.27 Gts. As far as respondent No.1 in the present appeal is concerned, he has filed A.S.No.591 of 1993 against the same award, pertaining to his land admeasuring Ac.14.14 Gts.

2. By judgment dated 22.02.2000, this Court allowed the appeals and remanded the cases to the Reference Court for fresh disposal. After remand, the Reference Court has passed an award and decree dated 21.07.2000, enhancing the market value uniformly for the entire acquired land under reference, to Rs.30,000/- per acre, apart from awarding compensation of Rs.15,000/- towards sub-soil mineral rights.

3. The appellant has filed A.S.No.2241 of 2002 against the said award and decree dated 05.07.2002 in O.P.No.78 of 1988, against respondent No.1 herein and the claimants filed A.S.No.1632 of 2001, seeking enhancement of compensation in respect of Ac.76.07 Gts. only. In respect of other claimants, the appellant has filed A.S.No.687 of 2001 against the common order in O.P.No.78 of 1988. By common judgment and decree dated 06.12.2013, the Division Bench of this Court has dismissed A.S.No.687 of 2001 and allowed A.S.No.1632 of 2001 filed by the claimants, enhancing the compensation to Rs.90,000/- per acre. It needs to be noted that while enhancing the compensation to Rs.90,000/- per acre, the Division Bench has reduced the compensation for sub-soil mineral rights from Rs.15,000/- per acre to Rs.10,000/- per acre and this amount forms part of the sum of Rs.90,000/- per acre, awarded in the appeal.

4. Mr.J.Srinivas Rao, learned Standing Counsel for Singareni Collieries, fairly conceded that the special leave petition filed against

the judgment in A.S.Nos.687 of 2001 and 1632 of 2001 filed by the appellant Singareni Collieries, has since been dismissed and the said judgment of this Court has attained finality. In this context, it is pertinent to note that initially, respondent No.1 has filed Cross Objections SR.No.4589 of 2003, seeking enhancement of compensation to Rs.10,000/- per acre only and also certain amounts in respect of the trees thereon. Following the judgment in A.S.Nos.687 of 2001 and 1632 of 2001, respondent No.1 has filed I.A.No.1 of 2016 (A.S.M.P.No.340 of 2016), seeking amendment of prayer in the cross objections by claiming a further sum of Rs.40,000/- per acre.

5. Mr.J.Srinivas Rao, learned Standing Counsel for the appellant-Singareni Collieries, and Mr.Andapally Sanjeev Kumar, learned Special Government Pleader representing the learned Additional Advocate General (TS) appearing for the State, submitted that the award of compensation towards sub-soil mineral rights is contrary to the well settled legal position and that, therefore, respondent No.1 claimant is not entitled to such compensation. After a fair amount of debate, Mr.Y.Ashok Raj, learned counsel for respondent No.1, has submitted that his client is not interested in defending award of compensation to the extent of sub-soil mineral rights of Rs.15,000/- per acre by the Reference Court. As regards the claim for enhancement, the learned counsel submitted that following the

common judgment in A.S.Nos.687 of 2001 and 1632 of 2001, his client is entitled to enhancement of compensation from Rs.30,000/- to Rs.80,000/- per acre, excluding the compensation of Rs.10,000/- fixed for sub-soil mineral rights in the said judgment.

6. After hearing the learned Standing Counsel for the appellant, we are of the opinion that the common judgment in A.S.Nos.687 of 2001 and 1632 of 2001 has attained finality and respondent No.1 is similarly situated as appellant in A.S.No.1632 of 2001. Hence, we do not find any reason or justification to deny the benefit of enhancement of compensation for the land after excluding compensation for sub-soil mineral rights, as made by this Court in its common judgment in A.S.Nos.687 of 2001 and 1632 of 2001. The learned Standing Counsel has pointed out that there is delay in filing the application for amendment. In our opinion, as the amendment application is filed following the common judgment of the Division Bench in A.S.Nos.687 of 2001 and 1632 of 2001, in the pending appeal, no prejudice is caused to the appellant on account of the failure of respondent No.1 in not filing the amendment application at an earlier point of time.

7. In the above facts and circumstances of the case, IA.No.1 of 2016 (ASMP.No.340 of 2016) and Cross-Objections (SR) No.4589 of 2003 as amended, are allowed. While setting aside the award of the reference court to the extent of compensation of Rs.15,000/- per

acre awarded for sub-soil mineral rights, the compensation for the land is enhanced to Rs.80,000/- per acre. The award of the Reference Court in O.P.No.78 of 1988 dated 05.07.2002, accordingly stands modified. A.S.No.2241 of 2002 is partly allowed to the extent indicated above.

(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 20th April, 2018

msb

