

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

AND

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

A.S.No.1390 of 2002

Date: 20.04.2018

Between:

The Land Acquisition Officer and
Special Deputy Collector,
Yeleru Left main Canal,
Anakapalli (disbanded)
now represented by the
Revenue Divisional Officer,
Narsipatnam

Appellant

And

Patchipala Narayanamurthy
S/o.Gangarao, aged 51 years,
Agriculturist, Golugondapeta village,
Nathavaram mandalam,
Visakhapatnam district.

Respondent

Counsel for the Appellant : G.P. for Appeals (AP)

Counsel for the Respondent: ----

The Court made the following:

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

This appeal by the Land Acquisition Officer-cum-Special Deputy Collector, Yeleru Left Main Canal, Anakapalli (for short 'the L.A.O.'), is filed against award and decree dated 25.10.1995 in O.P.No.95 of 1989 on the file of the Subordinate Judge at Chodavaram.

2. In spite of receipt of notice, the respondent has not entered appearance. We have heard the learned Government Pleader for Appeals (AP) and perused the record.

3. The L.A.O. has passed a common award in respect of various extents of land belonging to different land owners. On the reference under Section 18 of the Land Acquisition Act, 1894, the Reference Court disposed of the batch of original petitions so referred, vide O.P.Nos.87 of 1989 to 99 of 1989, enhancing the compensation from Rs.16000/- per acre as fixed by L.A.O., to Rs.27,150/- per acre. Feeling aggrieved by the common award to the extent it pertains to O.P.No.95 of 1989, the L.A.O. filed the present appeal.

4. The learned Government Pleader for Appeals (AP), submitted that A.S.Nos.3933, 3936 and 3939 of 2000 filed against the same common award, which is the subject matter of the present appeal, to the extent they relate to O.P.Nos.94, 88 and 90 of 1989 respectively, were allowed by the Division Bench of this Court on 27.09.2002 and

following the said judgment, another Division Bench has allowed A.S.No.3969 of 2000 by its judgment dated 29.12.2010, which pertains to O.P.No.96 of 1989, disposed of by the same common award. In support of this submission, he has placed a copy of judgment dated 29.12.2010 in A.S.No.3969 of 2000. While allowing the said appeal, the Division Bench has observed as under:

“The present appeal is directed against the award in O.P.No.96 of 1989 dated 25.10.1995 on the file of the Subordinate Judge’s Court, Chodavaram, rendered in pursuance of the common order in O.P.No.87 of 1989 and batch.

The awards in O.P.Nos.94, 88 and 90 of 1989 covered by the same common order were the subject of A.S.Nos.3933, 3936 and 3939 of 2000 and the said appeals were allowed without costs on 27.09.2002 on merits. The said judgment of the Division Bench had obviously become final and the subject matter of the present appeal and the subject matter of those appeals being identical under the common order in question, the present appeal also has to succeed on the same grounds.”

5. As the present appeal also arises out of the common award which was interfered with by two Division Benches as referred to above, the enhancement made in respect of O.P.No.95 of 1989 against which the present appeal is filed, is also liable to be set aside, following the said judgment. Accordingly, this appeal is allowed in terms of judgments dated 27.09.2002 in A.S.Nos.3933, 3936 and 3939 of 2000 and also dated 29.12.2010 in A.S.No.3969 of 2000, with a direction that the reasons contained therein, shall form part of this judgment.

6. As a sequel, miscellaneous applications if any, stand disposed of.

(C.V.Nagarjuna Reddy, J)

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

Date: 20th April, 2018

msb



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

AND

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

L.A.A.S.No.424 of 2017

Date: 27.03.2018

Between:

Special Deputy Collector-cum
Land Acquisition Officer,
Telugu Ganga Project,
Nandyal, Kurnool district

...

Appellant

And

Siddi Raja Reddy S/o.Subba Reddy
Aged 36 years, Nakkaladinne village,
H/o.Muthalur village, Rudravaram mandal,
Kurnool district

...

Respondent

Counsel for the Appellant : Government Pleader for Appeals
(A.P.)

Counsel for the Respondent:

The Court made the following:



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

This appeal is filed against award and decree dated 22.09.2016 in L.A.O.P.No.56 of 2013 on the file of the Senior Civil Judge, Allagadda, Kurnool district.

2. By a separate order passed by us today, we have dismissed I.A.No.1 of 2017 (L.A.A.S.M.P.No.699 of 2017), filed for condonation of delay in filing this appeal.

3. As a sequel to dismissal of the said application, this appeal is rejected. Miscellaneous applications if any, stand dismissed.



(C.V.Nagarjuna Reddy, J)

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

Date: 27th March, 2018

msb

