

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CIVIL REVISION PETITION No.2558 of 2019

ORDER:

This Civil Revision Petition is directed against the order dated 08.08.2019 in I.A.No.252 of 2016 in LAOP.No.503 of 2013 of the I Additional District and Sessions Judge, Medak at Sangareddy (for short, trial Court).

2. The brief facts of the case are that the Government have acquired an extent of land admeasuring Ac.3-28 guntas in Sy.Nos.118 and 119, situated at Muttangi Village and the second respondent passed an Award dated 16.10.2007 in favour of the first respondent herein. Thereafter, the matter was referred to the trial Court under Section 18 of the Land Acquisition Act, 1894 (for short, the Act) for enhancement of compensation and the same is numbered as LAOP.No.503 of 2013. During the pendency of the said LAOP, the petitioners herein filed I.A.No.252 of 2016 seeking to implead them as respondent Nos.2 and 3 in the above LAOP stating that they are the owners and pattedars of the land admeasuring Ac.0-29 guntas in Sy.Nos.118 and 119 of Muthangi Village; that though they filed objection petition before the second respondent, he did not consider the same and passed the Award in favour of the first respondent and that hence, they filed the said IA seeking their impleadment.

3. Sri J.Kanakaiah, learned counsel for the petitioners, submits that the petitioners have got substantial right as owners of the land

admeasuring Ac.0-29 guntas in Sy.Nos.118 and 119 of Muthangi Village and that when the revenue authorities did not consider the request of the first petitioner to correct the entries and restore his name in the revenue records, he filed W.P.No.28352 of 2007 and this Court, by order dated 03.12.2012, disposed of the same with a direction to the revenue authorities to consider his representation. In pursuance of the said order, the revenue authorities restored the names of the petitioners, but the second respondent, in spite of objection filed by the petitioners, passed an Award in favour of the first respondent without following due process of law. He further submits that the trial Court did not consider the above aspects and dismissed I.A.No.252 of 2016.

4. It is to be noted that if any person claims ownership over the land going to be acquired by the Government, he must have filed objections before the Land Acquisition Officer, and the Land Acquisition Officer, after consideration of the same, refers the matter to the civil Court under Section 30 of the Act. In the present case, though the learned counsel for the petitioners argued that the petitioners have participated in the Land Acquisition Proceedings, no such reference is made by the second respondent-LAO. When the matter was referred under Section 18 of Act for enhancement of compensation, impleading a third party, who is not a party before the Land Acquisition Officer, cannot be allowed by invoking Order I Rule 10 CPC. The petitioners did not file any evidence before the trial Court or this Court to show that

they participated in the Land Acquisition Proceedings. Therefore, the trial Court rightly dismissed the above IA and hence, I do not find any reason to interfere with the same.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Miscellaneous petitions pending, if any, in this CRP shall stand closed.

T.AMARNATH GOUD, J

Date: 14-02-2020
TJMR

