HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY ,THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 28510 OF 2008

Between:

1. Kotra Linga Reddy, S/o. Venkat Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
2. Kotra Malla Reddy, S/o. Papi Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
3. Maramreddy Pedda Show Reddy, S/o. P.R. Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
4. Baarabooina Yellaiah, S/o. Bal Narasaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
5. Gopu Chilva Reddy, S/o. Ladu Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
6. Maramreddy Chinnapu Reddy, S/o. Thomas Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
7. Maramreddy Mathyas Reddy (Died as per LR Petitioner No.32), S/o. Peddarayapu Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
8. Pagadala Ramachandram, S/o. Narasaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
9. Pagadala Agaiah (Died as per LR Petitioner No.33), S/o. Kumuraiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
10. Vanaparthy Bhadraiah, S/o. Mallaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
11. Pagadala Rangaiah, S/o. Ragaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
12. Bommineni Sanjeeva Reddy, S/o. Buchi Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
13. Yenreddy Narasimha Reddy, S/o. Rami Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
14. Kotra Narasimha Reddy, S/o. Buchi Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.
15. Bommineni Ram Reddy, S/o. Veera Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

16. Kotra Buchi Reddy, S/o. Narasimha Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

17. Damodar Reddy, S/o. Narsi Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

18. Manchana Rangaiah, S/o. Laxmaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

19. Bommineni Sammi Reddy, S/o. Malla Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

20. Iyloni Ramulu (Died as per LR Petitioner No.34), S/o. Agaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

21. Boina Venkataiah, S/o. Mallaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

22. Mota Chander Rao, S/o. Rajaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

23. Bembare Peeraiah, S/o. Veeramallu Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

24. Cheerla Narasimha Reddy, S/o. Malla Reddy Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

25. Allipuram Ramulu, S/o. Kasaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

26. Lade Rajamouli, S/o. Shankar Rao Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

27. Ekamba Hanmantha Rao, s/o. Kattaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

28. Bembari Pedda Rajaiah, S/o. Veeramallu Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

29. Nayakoti Babu Rao, S/o. Ramaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

30. Durganala Rajalingam, S/o. Mallaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

31. Cheerla Rayapu Reddy (Died as per LR Petitioner No.35), S/o. Mallaiah Agriculturist R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District.

32. M. Jasintha Rani, W/o. Mathyas Reddy Aged Major, Occ. Agriculture, R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District. Petitioner No. 32 is brought on record as LR of the deceased Petitioner No.7 as per C.O.dt. 14.02.2024 in IA No. 4/2023.

33. P. Kumarasamy. S/o. P. Agaiah Aged Major, Occ. Agriculture, R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District. Petitioner No. 33 is brought on record as LR of the deceased Petitioner No.9 as per C.O.dt. 14.02.2024 in IA No. 3/2023.

34. L. Ramesh, S/o. Ramulu, Aged Major, Occ. Agriculture, R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District. Petitioner No. 34 is brought on record as LR of the deceased Petitioner No.20 as per C.O.dt. 14.02.2024 in IA No. 2/2023.

35. Cheerla Kamlakar Reddy, S/o. Cheerla Rayapu Reddy, Aged Major, Occ. Agriculture, R/o. Yelukurthy (Haveli) Village, Geesugonda Mandal, Warangal District. Petitioner No. 35 is brought on record as LR of the deceased Petitioner No.31 as per C.O.dt. 14.02.2024 in IA No. 1/2023.

...PETITIONER(S)

AND

1. The Government of Andhra Pradesh, rep. by its Secretary, Department of Irrigation and Command Area Development, Secretariat Buildings, Saifabad, Hyderabad.
2. The Special Collector, Sriram Sagar Project (SRSP), Huda Complex, Tarnaka, Secunderabad.
3. The Land Acquisition Officer & Special Deputy Collector, SRSP, Warangal Unit at Subedari, Hanamkonda, Warangal City and District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction or writ specially writ of Mandamus, declaring the action of the respondents in not referring the Award No.40/88-89 in File No.D/327/86 dated 4.2.1989 on the file of the 2nd respondent to the competent Civil Court u/s 18 of the Land Acquisition Act in respect of petitioners as illegal, arbitrary, improper violative of Article 14 and 21 of Constitution of India and contrary to the provisions of the Section 18 of the said Act

I.A. NO: 1 OF 2008(WPMP. NO: 37358 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to refer Award in respect of petitioners bearing No.40/88-89 in File No.D/327/86 dated 4.2.1989 on the file of the 2nd respondent to the competent civil court u/s 18 of the Land Acquisition Act, to a competent Civil Court, pending W.P.

Counsel for the Petitioner : SRI. J VENKATESWARA REDDY

Counsel for the Respondent Nos.1: GP FOR IRRIGATION & COMM AREA DEV

Counsel for the Respondent No's.2&3: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.28510 OF 2008

ORDER:

Heard learned Counsel for the petitioner, learned Government Pleader for Irrigation & Command Area Development appearing on behalf of respondent Nos.1 and 2, learned Government Pleader for Land Acquisition appearing on behalf of respondent No.3, and perused the record.

2. Shorn of unnecessary details the case of the petitioner in brief, is that aggrieved by the Award dated 04.02.1989 passed by the respondent authority, the petitioners have approached the respondent authorities and submitted application under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') seeking reference to the Court; and that insptie of the petitioners submitting the application under Section 18 of the Act within time, the respondents have failed to make a reference which action of the respondents it is contended is highly illegal, arbitrary and contrary to the provisions of the Act.

3. Counter-affidavit on behalf of respondents is filed.

4. By the counter-affidavit, it is contended on behalf of the respondents that on the respondent authorities initiating land acquisition proceedings, Award was passed *vide* Award

No.40/88-89 dated 04.02.1989 and compensation was paid by fixing the land value at the rate of Rs.9,000/- per acre.

5. By the counter-affidavit, it is further contended that though the petitioners have received the compensation amount fixed under protest, the petitioners did not file any application under Section 18 of the Act raising dispute as to the market value fixation and seeking to refer the Award to the competent Court for determination of proper market value.

6. By the counter-affidavit, it is further stated that since the petitioners did not file any application seeking reference to the Court, the petitioners cannot now approach the Court after 20 years and seek for reference of the Award to Court for proper determination of the market value or the respondent authorities failing to make a reference of the Award to the Court as required under Section 18 of the Act.

7. By the counter-affidavit, it is further stated that one Bommineni Rangaiah and others had filed a Writ Petition No.8626 of 2002 before this Court and the said Writ Petition was dismissed on 24.04.2002 observing as under:

> "A reference under Section 18 of the Act is not a matter of course. It is subject to provisions of Section 12 of the Act. Any protest or objection alleged after expiry of time stipulated under sub-section (1) of Section 12 of the Act would be illegal. Be it noted that it is axiomatic that Award is a settlement

> between Government (acquiring authority) and citizen. An Award can only be set aside or modified in accordance with the settlement and not otherwise."

8. Learned Government Pleader on the basis of the above submits that since the petitioners in the present Writ Petition also stand on the same footing as considered by this Court, the Petition is liable to be dismissed.

9. I have taken note of the respective contentions urged.

10. While the fact of respondent authorities passing an Award dated 04.02.1989 is not in dispute, it is not shown to this Court of the petitioners approaching the respondent authorities and submitting application seeking reference to the Court within the time line prescribed under Section 18 of the Act. Though the petitioners had claimed in the affidavit filed in support of the Writ Petition that the petitioners having received the compensation amount under protest, that by itself cannot be considered as the petitioners requesting or seeking reference to the Court. Though the said submission is appealing at the first blush, but having regard to the language employed in Section 18, it is to be noted that mere receiving of compensation amount under protest by itself would not be sufficient for the authority to make reference, inasmuch as the Act stipulates an

application to be made to the concerned authority seeking reference of the Award to the Court.

11. Since, in the facts of the case as it is not shown to this Court of the petitioners submitting any application seeking reference to Court in terms of Section 18 of the Act by filing application within the time prescribed under the Act, the mere act of the petitioners issuing legal notice through an Advocate on 08.10.2002 cannot be taken as an application made under Section 18 of the Act for the authority to make a reference, more so when the said legal notice has been issued much after expiry of the time limit prescribed under Section 18 of the Act as applicable in the State of Andhra Pradesh.

12. In view of the above, this Court is of the view that the petitioners have failed to make out a case for this Court to allow the Writ Petition.

13. Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

SD/-A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. J VENKATESWARA REDDY Advocate [OPUC]
2. Two CCs to GP FOR LAND ACQUISITION ,High Court for the State of Telangana. [OUT]
3. One CC to SRI. GP FOR IRRIGATION & COMM AREA DEV Advocate [OPUC]
4. Two CD Copies

KKS
BS

HIGH COURT

DATED:31/12/2024



ORDER

WP.No.28510 of 2008

DISMISSING THE WRIT PETITION WITHOUT COSTS

(7)

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29/1/25