



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3330]**

MONDAY, THE TWENTY THIRD DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**PRESENT  
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

**WRIT PETITION No.4685 of 2023**

**Between:**

1.AVULA PENCHALA NARASIMHAM, S/O CHINA PENCHALAIHAH,  
AGED ABOUT 70 YEARS, OCC. AGRICULTURE, R/O  
DACHURU (VIL), KALUVAI MANDAL, S.P.S.R. NELLORE  
DISTRICT

**...PETITIONER**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL  
SECRETARY, WATER RESOURCES DEPARTMENT,  
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR  
DISTRICT, ANDHRA PRADESH STATE.
- 2.THE SPECIAL COLLECTOR L A, TELUGU GANGA PROJECT,  
MULAPETA, NELLORE,
- 3.THE SPECIAL DEPUTY COLLECTOR LA, TELUGU GANGA  
PROJECT, RAPUR AT NELLORE, MULAPETA, NELLORE,  
S.P.S.R.NELLORE DISTRICT

**...RESPONDENT(S):**

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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying compensation for 1509 pomegranate trees situated in the Land in Sy.No.383-1, extent Ac.5.03 cents of Dachuru (Vil), Kaluvai Mandal, S.P.S.R.Nellore District, is arbitrary, illegal, without jurisdiction, against the principles laid down in the judgement of the Hon'ble High Court at Hyderabad in L.A.O. cum Revenue Divisional Officer, Domalaguda, Hyderabad Vs Mekala Pandu AND others as confirmed by the Hon'ble Supreme Court of India in Civil Appeals

Nos.7904-7912 of 2012 dt.04-08-2014 and consequently direct the respondents to pay the compensation @ Rs.4000/- per one pomegranate tree for 1509 pomegranate trees to the Petitioner with all statutory benefits.

**Counsel for the Petitioner:**

1.CH C KRISHNA REDDY

**Counsel for the Respondent(S):**

1.GP FOR LAND ACQUISITION

2.GP FOR IRRIGATION COMM AREA DEV

**The Court made the following:**

**ORDER:**

Precisely, the present Writ Petition is filed to declare the action of the respondents in not paying compensation for 1509 pomegranate trees situated in the land in Sy.No.383-1, in an extent of Acs.5.03 cents of Dachuru village, Kaluvai Mandal, SPSR Nellore District, as arbitrary, illegal and without jurisdiction and such action of the respondents is contrary to the judgment of the erstwhile High Court of Andhra Pradesh in ***L.A.O.-cum-Revenue Divisional Officer, Domalaguda, Hyderabad, Vs. Mekala Pandu & others*** reported in 2004(2) ALD 451, Larger Bench; consequently, prayed to direct the respondents to pay compensation @ Rs.3,000/- per each pomegranate tree, relying on the judgment in L.A.A.S.No.35 of 2019 and batch dated 27.09.2023. A Division Bench of this Court has disposed of batch of L.A.A.S., enhancing the compensation from Rs.32.49 paisa to Rs.3,000/- per each pomegranate tree, notwithstanding the G.O.Ms.No.1307 dated 23.12.1993.

2. The 3<sup>rd</sup> respondent-Special Deputy Collector (L.A.), Telugu Ganga Project, has filed counter and stated that the petitioner has been paid compensation to the trees existing on the land at the time of passing of award @ Rs.32.49/- per each tree to the total 1509 trees as

per the report furnished by the Assistant Director, Horticulture, Nellore, by adopting capitalization method on par with the patta land owners and the present Writ Petition is filed after long lapse of 40 years and relied on the judgment of the Hon'ble Apex Court in the case of ***Thirunagalingam Vs. Lingeswaran*** reported in 2025 SCC Online SC 1093, and it is stated that the principle culled out by the Apex Court in the above judgment for filing of Writ Petition after long lapse of time have not been met by the writ petitioner, hence prayed to dismiss the Writ Petition.

3. Per contra, learned counsel for the petitioner has relied on the judgment of the Hon'ble Supreme Court in the case of ***Tukaram Kana Joshi and others, through Power of Attorney Holder Vs. Maharashtra Industrial Development Corporation and others*** reported in (2013) 1 SCC 353 and relied on paragraph No.14 of the judgment, which is extracted hereunder:

"Discretion must be exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. In other words, where circumstances justifying the conduct exist, the illegality which is manifest, cannot be sustained on the sole ground of laches. When substantial justice and technical

considerations are pitted against each other, the cause of substantial justice deserves to be preferred, for the other side cannot claim to have a vested right in the injustice being done, because of a non- deliberate delay. The court should not harm innocent parties if their rights have infact emerged, by delay on the part of the Petitioners."

4. This Court relies on the following judgment to answer the contention raised by the respondent – State. In the case of ***Ningappa Thotappa Angadi (Died) v. The Special Land Acquisition Officer*** reported in (2020) 19 SCC 599. The Apex Court has held and observed that if the claimants are identically situated, there is no reason to meet out a different treatment to them. It has been held and observed that if there is a huge delay, equities can be balanced by denying the claimants interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hyper-technical view of self-imposed limitations.

5. The Apex Court has recently reaffirmed in ***Suresh Kumar v. State of Haryana & Ors*** reported in (2025) SCC Online 896, where in the Hon'ble Supreme Court held that in land acquisition matters, delay, however long, cannot be allowed to operate as a bar to the land loser

receiving the compensation lawfully due. The Court reiterated that appeals must be entertained on merits, subject to 4 of 7 denial of interest for the period attributable to delay, so as to ensure equitable balance between both sides.

6. On the issue of condonation of delay, the Hon'ble Apex Court in the case of ***Bhivchandra Shankar More v. Balu Gangaram More*** reported in (2019) 6 SCC 387, observed as under:-

"It is a fairly well-settled law that "sufficient cause" should be given liberal construction so as to advance sustainable justice when there is no inaction, no negligence nor want of bona fides could be imputable to the appellant. After referring to various judgments, in B. Madhuri (B. Madhuri Goud v. B. Damodar Reddy, (2012) 12 SCC 693: (2013) 2 SCC (Civ) 546], this Court held as under:

The expression "sufficient cause" used in Section 5 of the Limitation Act, 1963 and other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which serves the ends of justice. No hard-and-fast rule has been or can be laid down for deciding the applications for condonation of delay but over the years courts have repeatedly observed that a liberal approach needs to be adopted in such matters so that substantive rights of the parties are not defeated only on the ground of delay."

7. On careful perusal of the judgment of the Apex Court, in series of judgments on the condonation of delay the principles that can be culled out that the courts should not adopt an injustice-oriented approach in

rejecting the application for condonation of delay, however the the court has to draw a distinction between delay and inordinate delay for want of bona fides of an inaction or negligence would deprive a party of the protection of Section 5 of the Limitation Act, 1963.

8. In the present case, it is the case of writ petitioner the other claimants have been granted enhanced compensation from Rs.32.49 paise to Rs.3,000/- per each pomegranate tree. If the writ petitioner's claim is rejected on the ground of limitation, it would create an anomalous situation, where persons similarly situated and whose lands were acquired for the same purpose receive different amounts of compensation. Such a result would be antithetical to the principles of fairness, parity and equity that underpin the law of compulsory acquisition. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind when technical consideration and substantial justice pitted against each other.

9. The issue raised by the learned government pleader regarding approaching the court after long lapse of time is answered in favour of

the writ petitioner against the state keeping in view of the law laid down by the apex court referred above.

10. A Division Bench of this Court considering the law laid down in the earlier judgments, has enhanced the compensation for the pomegranate trees from Rs.32.49 ps to Rs.3,000/- per each tree, relying on the judgment in L.A.A.S.No.35 of 2019 and batch. Applying the same principles laid down in the aforesaid judgment in L.A.A.S.No.35 of 2019 dated 27.09.2023 and batch, this Court is inclined to enhance the compensation from Rs.32.49 ps to Rs.3,000/- per each pomegranate tree.

11. Therefore, the present Writ Petition is disposed of, directing the respondents to pay compensation of an amount of Rs.3,000/- (Rupees three thousand only) to each pomegranate tree within a period of eight (8) weeks from the date of receipt of a copy of this order. The writ petitioner is not entitled for any statutory benefits or any interest as they have approached with long delay and the respondents are further directed to deduct 10% of the total compensation amount towards court fees. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

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**JUSTICE TARLADA RAJASEKHAR RAO**

Date: 23.03.2026

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**THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.4685 of 2023

Date: 23.03.2026

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