



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

[3332]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 10721/2026

Between:

1. SK MASTHAN SAHEB, S/O MASTHAN SAHEB AGED ABOUT 58 YEARS, OCC AGRICULTURE, R/O DACHURU (VII), KALUVAI MANDAL, S.P.S.R.NELLORE DISTRICT
2. SHAIK MASUM BEE, W/O MAHABOOB BASHA, AGED ABOUT 65 YEARS, OCC HOUSEWIFE, R/O D.NO.1-261, NAKKAGOPAL NAGAR, KOTHUR, ANDHRA KESARI NAGAR, NELLORE, S.P. S. R. NELLORE DISTRICT-
3. D.AUDI LAKSHMI, W / O PENCHALA SWAMY, AGED ABOUT 60 YEARS, OCC HOUSEWIFE, R/O DACHURU (VII), KALUVAI MANDAL, S.P.S.R.NELLORE DISTRICT-

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, 522239 GUNTUR DISTRICT, ANDHRA PRADESH STATER-
2. THE SPECIAL COLLECTOR, (L.A.) TELUGU GANGA PROJECT, MULAPETA, NELLORE, -524003
3. THE SPECIAL DEPUTY COLLECTOR, (L.A.), TELUGU GANGA PROJECT, RAPUR AT NELLORE, MULAPETA, NELLORE,

S.P.S.R.NELLORE DISTRICT524003

...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 granting only ex-gratia for acquiring the Lands of the petitioners under the Land Acquisition Act situated in Sy.No.981/2, extent Ac.1.50 cents Sy.No.981/1, extent Ac.5.00 cents Sy.No.659, extent Ac.3.95 cents respectively of Dachuru (Vil), Kaluvai Mandal, S.P.S.R.Nellore District and also for acquiring 16 Mango trees, 2 drumstick trees, 2 bare trees, 76 acid lime trees belonging to the 1st Petitioner 102 Sweet orange trees, 172 acid lime trees belonging to the 2nd Petitioner 251 sweet orange trees, 97 acid lime trees belonging to the 3rd Petitioner situated in the above said Land 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 for the above said Land and trees as per the principle laid down in the above judgement with all statutory benefits and pass

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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 direct the Respondents to pay the compensation to the Petitioners for acquiring the Lands of the petitioners under the Land Acquisition Act situated in Sy.No. 981/2, extent Ac.1.50 cents; Sy.No.981/1, extent Ac.5.00 cents; Sy.No.659, extent Ac.3.95 cents respectively of Dachuru (Vii), Kaluvai Mandal, S.P.S.R.Nellore District and also for acquiring 16 Mango trees, 2 drumstick trees, 2 bare trees, 76 acid lime trees belonging to the 1st Petitioner; 102 Sweet orange trees, 172 acid lime trees belonging to the 2nd Petitioner; 251 sweet orange trees, 97 acid lime trees belonging to the 3rd Petitioner situated in the above said Land of Dachuru (Vil), Kaluvai Mandal,

S.P.S.R.Nellore District, in terms of the Larger Bench Judgement in L.A.O. cum Revenue Divisional Officer, Domalaguda, Hyderabad Vs Mekala Pandu & others, pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

1.CH C KRISHNA REDDY

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION

2.GP FOR IRRI AND CAD

The Court made the following:

ORDER:

To declare the action of the respondents in not granting exgratia for acquired lands & also trees of the petitioners situated in Sy.Nos.981/1, 981/2 & 659 of Dachuru Village, Kaluvai Mandal, SPSR Nellore District, under the Land Acquisition Act, as illegal and arbitrary, the present writ petition is filed.

2. Heard Sri Ch.C.Krishna Reddy, learned counsel for the petitioner, Sri B.Venkata Satya Narayana, learned Assistant Government Pleader for Revenue and Sri S.Satish Kumar, learned Assistant Government Pleader for Irrigation.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit submitted that the petitioners' land has been acquired long back and they are entitled to claim compensation as per the Land Acquisition Act and the Judgement of this Court in ***L.A.O.-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad and***

others v. Mekala Pandu and others¹, however, the respondents are not paying the same, as such, filed the present writ petition. He further submitted that if compensation is not paid, the rights of the petitioners would be affected, as such, prayed to pass appropriate orders.

4. On the other hand, learned Assistant Government Pleaders for Irrigation and Revenue in one voice contended that the acquisition took place 33 years back. After 33 long years, the writ petition has been filed without approaching the authorities, as such, no indulgence can be shown on the petitioners, the writ petition is liable to be dismissed, accordingly, prayed to dismiss the writ petition.

5. Perused the record and considered the submissions made by the learned counsel for the parties.

6. The petitioners' case is that the respondent authorities acquired the subject land and trees situated in this land for the purpose of foreshore submersion of Kandaleru Reservoir of Telugu Ganga Project under the Land Acquisition Act. In fact, the petitioners are entitled to claim compensation as per Land Acquisition Act and also as per the judgement of this Court in ***L.A.O.-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad and others v. Mekala Pandu and others***.

7. As could be seen from the record, the petitioners did not approach the authorities before the filing the present writ petition. Without

¹ 2004 (2) ALD 451 (DB)

approaching the authorities at first instance, filing writ petition before this Court invoking jurisdiction of this Court under Article 226 of the Constitution of India does not arise. The law is very clear, even to entertain a writ of mandamus, it is a pre-condition that the aggrieved person should have approached the authorities competent against whom such a direction is sought for and the said representation/appeal acknowledged by the authorities competent must be available in the file of the authority concerned. This being the mandatory requirement for the purpose of entertaining a writ petition to direct the authorities concerned to consider the representation. This Court is not inclined to go into the merits and demerits of the case, as to whether the petitioners are entitled for compensation or not, however, to meet the ends of justice, this Court is inclined to dispose of the writ petition by passing the following order:

“The petitioners are at liberty to approach competent authority and make a detailed representation along with supporting material in support of their claim within a period of two (02) weeks from the date of receipt of a copy of this order.

On such representation, the authority concerned shall adjudicate the same and decide whether the petitioners are entitled for compensation in terms of judgment referred *supra* and pass a reasoned order by providing an opportunity of being heard to the petitioners as well within a period of three (03) months thereafter.”

8. Accordingly, the Writ Petition is ***disposed of***. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 22nd April, 2026

RKS