



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

[3206]

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 16192/2017

Between:

- 1.S SREERAMCHANDRA RAO (DIED) PER LR - 3, S/O VENKATA SUBBA RAO AGED ABOUT 72 YEARS, R/O PANDITHA VILLURU VILLAGE, PODURU MANDAL, WEST GODAVARI DISTRICT
- 2.S. SESHARATNAM,, W/O S. SREERAMACHANDRA RAO, AGED ABOUT 66 YEARS, RIO PANDITHA VILLURU VILLAGE, PODURU MANDAL, WEST GODAVARI DISTRICT
- 3.S. NAGASATYA VENKATA SUBRAMANYAJANA RAJ GUPTHA, S/O. LATE S.SREERAMACHANDRA RAO,, R/O. H.NO. 23-2-26/B - 2,R.K.APARTMENTS,RAYASAM VARI STREET, BHIMAVARAM,WEST GODAVARI DISTRICT. PETITIONER NO. 3 IS BROUGHT ON RECORD AS LR DECEASED 1 OF PETITIONER AS PER C.O.DT.28/02/2022. IN IA.NO.1/2019.

...PETITIONER(S)

AND

- 1.PRL SECY REVENUE LA DEPT HYD 3 OTHERS, REP. BY PRL. SECRETARY, REVENUE (LA) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI
- 2.THE DISTRICT COLLECTOR, W.G. DISTRICT, ELURU
- 3.THE SUB COLLECTOR LAND ACQUISITION OFFICER NARASAPUR, W.G. DISTRICT
- 4.THE TAHSILDAR, PODURU MANDAL, W.G. 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 initiation of land acquisition proceedings including passing of the Award No. 21/2011-12 vide Roc. No. 2594/2008/B dt. 03-03-2012 by 3rd respondent/LAO with respect to petitioners' land an extent of Ac 0-62 cents situated in Sy.No. 348/2 part and an extent of Ac 0-38 cents covered by Sy.No. 348/1 of Panditha Villuru Village, Poduru Mandal, West Godavari District is illegal, null and void, unconstitutional and are lapsed under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and rules made there under as no compensation was paid to the petitioners till date and to pass

IA NO: 1 OF 2017(WPMP 19905 OF 2017)

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 respondent authorities not to dispossess the petitioners from their land an extent of Ac 0-62 cents situated in Sy.No. 348/2 part and an extent of Ac 0-38 cents covered by Sy.No. 348/1 of Panditha Villuru Village, Poduru Mandal, West Godavari District pending disposal of the above writ petition and to pass

IA NO: 1 OF 2019

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 bring the 3rd petitioner herein on record as LR of the deceased 1st Writ Petitioner/S.Sreeramachandra Rao in the above writ Petition and to pass

Counsel for the Petitioner(S):

1. BOLLA VENKATA RAMA RAO

Counsel for the Respondent(S):

1. GP FOR LAND ACQUISITION (AP)

The Court made the following order:

The 1st petitioner herein claims ownership over Ac.0.62 cents of land and the 2nd petitioner herein claims ownership over Ac.0.38 cents of land in Sy.Nos.348/2 and 348/1 respectively of Panditha Villuru Village, Poduru Mandal, West Godavari District. This land was acquired as part of the acquisition of Ac.3.23 cents of land for the purpose of providing house sites to the weaker sections of Society. This acquisition process was initiated by way of a notification, under Section 4 (1) and culminated in an award, dated 03.03.2012.

2. The petitioners herein had initially filed W.P.No.6212 of 2012, questioning the issuance of the notification under Section 4 (1) of the Land Acquisition Act, 1894 (here-in-after referred to as the "1894 Act") and the declaration under Section 6 of the 1894 Act. The case of the petitioners, in that Writ Petition, was that the notification, under Section 4 (1) was issued on 11.12.2008, while the declaration, under Section 6, was issued on 04.02.2010, which is beyond the period of one year, mentioned under Section 11-A of the 1894 Act. This plea was negated by a learned Single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad, who dismissed the Writ Petition, by an order, dated 12.03.2012. The learned Single Judge had held that the date of the notification, under Section 4 (1) would have to be 16.02.2009 as that was the date on which the local notification was given and that the declaration, under Section 6 of the 1894 Act, was within the period of one

year. W.A.No.867 of 2012, filed against this order, also came to be dismissed on 13.07.2012.

3. Thereafter, the petitioners again approached this Court, by way of the present Writ Petition, contending that the land acquisition proceedings would stand lapsed in view of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (here-in-after referred to as the “2013 Act”).

4. The case of the petitioners is that possession of the land had not been taken and no payment of compensation was made to the petitioners. It is stated by the learned counsel for the petitioners that the petitioners, being aggrieved by the award, dated 03.03.2012, had moved for reference of the award, under Section 18 of the Act, to the Court for enhancement of compensation. However, no reference was made to the Court and the application remained pending before the 3rd respondent. It is further stated that the Acquisition Authorities deposited the compensation amount as awarded, under the award, dated 03.03.2012, before the learned Senior Civil Judge, Narsapuram, by way of L.A.O.P.Nos.54 of 2012 and 55 of 2012, under Section 31 (2) of the 1894 Act. These L.A.O.Ps came to be dismissed on 06.01.2016, on the ground of jurisdiction. The petitioners contend that it is only after the dismissal of these petitions, they have realized that payments had not been made in accordance with law and had approached this Court, by way of the present Writ Petition contending that they are entitled to the benefit of

Section 24 of the 2013 Act, inasmuch as neither the compensation had been paid nor possession of the land taken by the respondents.

5. The respondents have filed counter affidavit, taking the specific stand that the possession of the land was taken on 13.03.2012 and is in the custody of the Village Revenue Officer.

6. No reply affidavit has been filed by the petitioners against the specific allegation of the respondents that possession of the land was taken over on 13.03.2012.

7. Section 24 of the 2013 Act stipulates that any award passed more than 5 years before the date of coming into force of the 2013 Act, would stand lapsed, if compensation under the said award is not paid or if possession of the land is not taken over. These provisions were considered in the Judgment of the Hon'ble Supreme Court in the case of **Indore Development Authority vs. Manoharlal & Ors.**¹. The Hon'ble Supreme Court took the view that the provisions of Section 24 would not be applicable unless both the conditions are met and that the said provisions should not be read in the alternative but conjunctively. This would mean that the petitioner would have to demonstrate that neither the possession of the land was taken nor compensation was paid. There is no dispute that compensation was deposited in the Court of learned Senior Civil Judge, Narsapuram. The question of whether such deposit would amount to fair payment to the petitioners would have to be considered in the

¹ AIR 2020 SC 1496

normal course. However, this Court is not required to go into this issue, inasmuch as possession of the land had been taken over on 13.03.2012 itself and consequently, Section 24 of the 2013 Act would not be applicable.

8. In any event, Section 24 of the 2013 Act clearly stipulates that it applies to the awards which had been passed more than 5 years before the coming into force of the Act. In the present case, there is no dispute that the award was passed on 13.03.2012, which is within the period of 5 years from the commencement of the 2013 Act.

9. In these circumstances, nothing further survives in this Writ Petition, and it is accordingly, dismissed. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J

07.11.2025

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HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**WRIT PETITION NO: 16192/2017****07.11.2025****MJA**