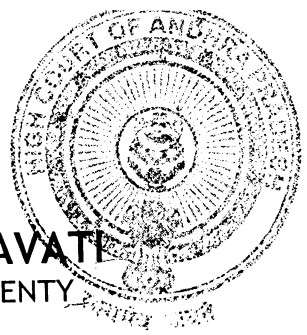




IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FIFTEENTH DAY OF FEBRUARY, TWO THOUSAND AND TWENTY

: PRESENT :

THE HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

AND

THE HONOURABLE MS JUSTICE J. UMA DEVI

LAND ACQUISITION FIRST APPEAL No. 33 of 2020

Between :-

E.V. Shyam Sundar Reddy, S/o. E. Varada Reddy, District Judge (Retd),
Aged about 73 years, Occ : Retd. Bank Employee, R/o. Flat No. 203,
Palm Springs Apartments, Shantinagar, Hyderabad.

...Appellant/Claimant No.4.

AND

1.The Land Acquisition Officer-cum-Revenue Divisional Officer,
Ananthauramu District, Andhra Pradesh.

..Respondent/Land Acquisition Officer.

2.T. Krishna Kumari, W/o. Late T. Madan Mohan Reddy, Occ : Housewife,
R/o. Plot No. 73, Prakash Nagar, Hyderguda, Rajendranagar Mandal,
Hyderabad.

3.T. Niharika, D/o. Late T. Madan Mohan Reddy, R/o. Plot No. 73,
Prakash Nagar, Hyderabad, Rajendranagar Mandal, Hyderabad.

(Set-Exparte)

4.T. Pradyumna Kumar Reddy, S/o. Late T. Chandra Sekhar Reddy,
Occ : Advocate, R/o. Plot NO. 373/A, Road No. 22, Jubilee Hills, Hyderabad.

...Respondents/Claimant Nos. 1 to 3.

Appeal under Section 74 of the Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,
being aggrieved by the Judgment in LAOP.No. 43 of 2018, dated 23-03-2020 on the
file of the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement
Authority Tirupati Region, Tirupati against the Award No. 5 of 2017, dated 15-12-
2017.

I.A.No. 1 of 2020 :-

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 withhold
the 1/3rd compensation amount awarded to petitioner wife Smt E. Vijaya Lakshmi in
the Award No. 05/2017, dated 15.12.2017 passed by the Respondent No.1 which was
deposited by the Respondent No.1 in LAOP.No. 43 of 2018, dated 23.03.2020 on the
file of the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement
Authority, Tirupati Region, Tirupati, pending disposal of L.A.A.S. No.33 of 2020, on
the file of the High Court.

This Appeal is coming on for hearing, upon perusing the grounds of appeal
and upon hearing the arguments of Sri D. Kodanda Rami Reddy, Advocate for the
Appellant and of the G.P. for Appeals, for the respondent No.1, the Court made
the following Order :

“Heard learned counsel for appellant, Sri D.Kodandarami Reddy and
learned Government Pleader for Appeals.

Contd..2...

The submission of learned counsel for appellant is that E. Vijaya Lakshmi, wife of the present appellant has admittedly 1/3rd share in the compensation amount and she executed Ex.A1 Will dated 14.04.2013 in favour of the appellant and the lower tribunal, without appreciating the genuinity and validity of the said Will, has discarded the Will in its order and thereby, deprived the 1/3rd share of E. Vijaya Lakshmi to the appellant, which was devolved on him by virtue of the aforesaid Will. His submission is that if the respondents 2 to 4 herein are permitted to withdraw the award amount, the appellant will be put to much hardship and even if he succeeds in the appeal, the decree will be otious. He, thus, sought for stay.

The points raised by the petitioner in his argument need a thorough hearing after the respondents put up their appearance. Therefore, while directing the matter to be posted after four weeks, in the meanwhile, respondents 2 to 4 herein are restrained from withdrawing the 1/3rd compensation amount, if already not withdrawn, entitled to by the deceased E. Vijaya Lakshmi. Needless to emphasize that they are entitled to withdraw their respective shares in the compensation amount.

Post after four weeks."

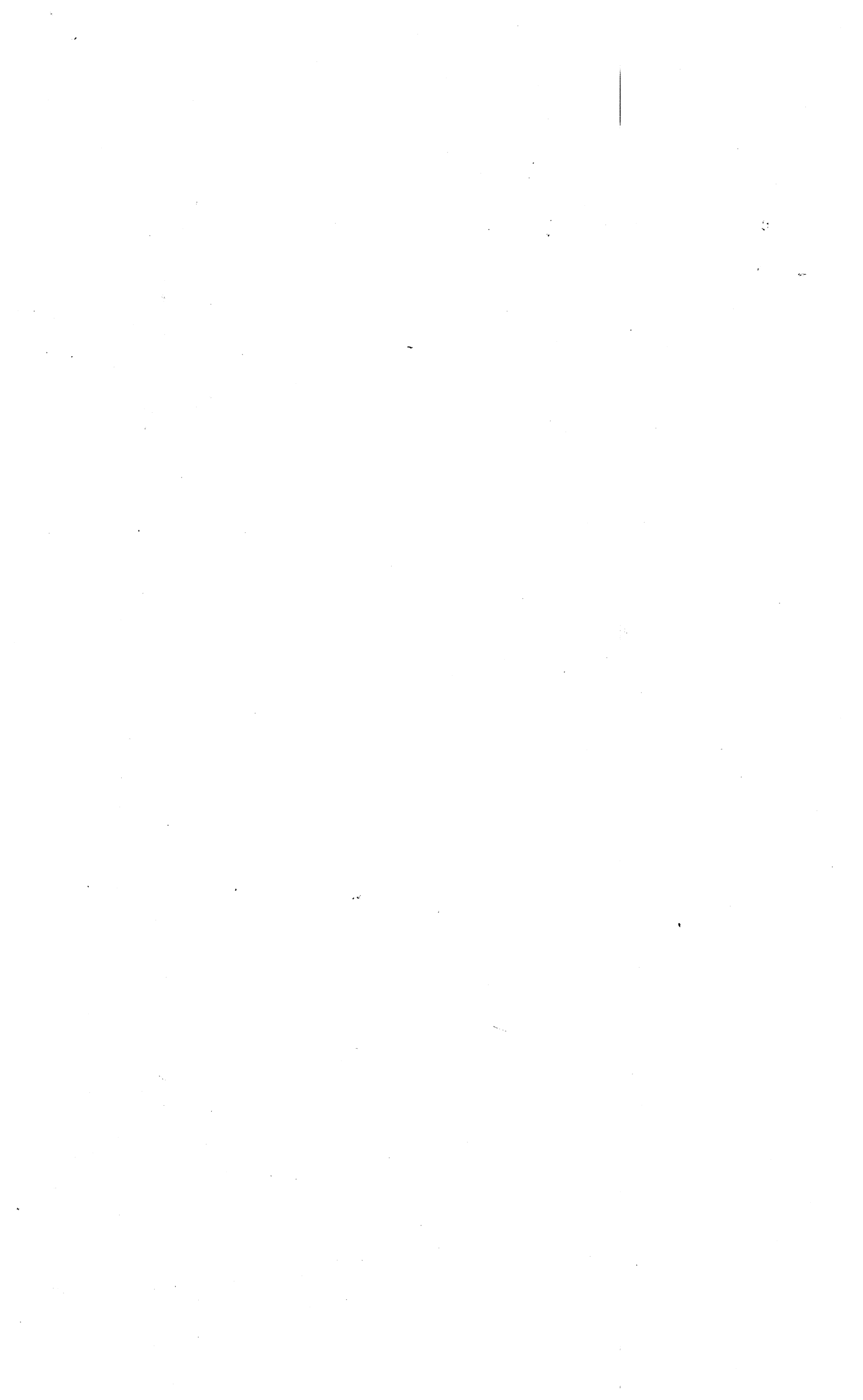
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Sd/-M.RameshBabu
ASSISTANT REGISTRAR
SECTION OFFICER

To

- 1.The Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Tirupati Region, Tirupati, Chittoor District.
- 2.The Land Acquisition Officer-cum-Revenue Divisional Officer, Ananthauramu District, Andhra Pradesh.(By RPAD)
- 3.Two CCs to the G.P. for Appeals, High Court of A.P., at Amaravati.
- 4.One CC to Sri D. Kodanda Rami Reddy, Advocate(OPUC)
- 5.Two spare Copies

TKK



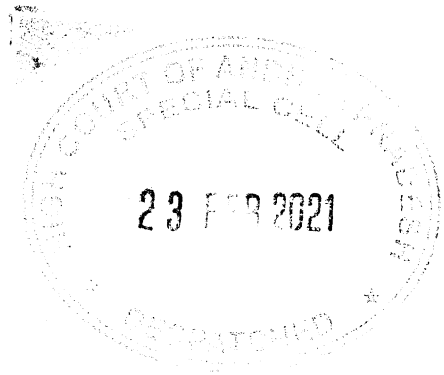
HIGH COURT

UDPR.J & JUD.J

DATED : 15-02-2021

ORDER

LAAS.No.33 of 2020



DIRECTION