

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE 25th DAY OF JUNE, 2026

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

LAND ACQUISITION APPEAL SUIT NO: 10 OF 2026

Between:

P. Babu, S/o. Late P. Krishnaiah, Aged about 63 years, Occ:
Cultivation, R/o. Pacharlavaripalli @ Pottisiddareddigaripalli Village,
H/o. Venkatadasarapalli Village, Pulicherla Mandal, Chittoor District.

Petitioner/Appellant

AND

1. The Land Acquisition Officer & Special Deputy Collector, AVR HNSS -
Unit-II, Piler.

2. P. Sarojamma, W/o. P.Gangaiah, Aged about 86 years, Occ:
Housewife, R/o. Pacharlavaripalli @ Pottisiddareddigaripalli Village,
H/o. Venkatadasarapalli Village, Pulicherla Mandal, Chittoor District

Respondents/Respondents

Petition under Section 54 of Land Acquisition Act of 1984, is filed being
aggrieved by the order dt.01/09/2025 in LAOP. No. 79 of 2012 on the file of
the Principal Civil Judge (Senior Division), Chittoor, Chittoor District, dated
01.09.2025;

IA NO: 1 OF 2026

Petition under Order 41 Rule 5 & Section 151 of CPC., is filed praying
that in the circumstances stated in the affidavit filed in support of the petition,
the High Court may be pleased to stay of operation of the decree and order
passed in LAOP.No.79 of 2012 on the .file of Principal Civil Judge (Senior
Division), Chittoor, dated 01.09.2025, pending disposal of the above Appeal;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. M K RAJ KUMAR, Advocate for the Petitioner and of Sri. M VENKATA RAMANA REDDY, Advocate for the Respondent No.2;

The Court made the following ORDER:

1. Heard Sri M.K.Raj Kumar, learned counsel for the appellant and Sri M.Venkata Ramana Reddy, learned counsel for the 2nd respondent.
2. This Land Acquisition Appeal has been preferred under Section 54 of the Land Acquisition Act, 1984 (for short, "the L.A. Act"), challenging the order and decree dated 01.09.2025 in L.A.O.P. No.79 of 2012 passed by the Principal Senior Civil Judge, Chittoor, Chittoor District, on a reference made by the Special Deputy Collector, under Section 30 of the L.A. Act.
3. Initially, at the time of numbering the appeal, the Registry raised an objection regarding the maintainability of the appeal under Section 54 of the L.A. Act. On which, a Coordinate Bench of this Court passed an order on 23.03.2026 directing the Registry to register the appeal and allot a number, but at the same time, it was left open to decide the maintainability of appeal, after its registration, at the time of final adjudication of the appeal.
4. Today, when the matter is taken up for admission, Sri M.Venkata Ramana Reddy, learned counsel appearing for the 2nd respondent, raised a preliminary objection with respect to the maintainability of the appeal.
5. His submission is that an appeal under Section 54 of the L.A. Act is not maintainable against the order under challenge. His further submission is that the order under challenge was passed by learned Civil Court on a Reference made by the Special Deputy Collector under Section 30 of the L.A. Act which is a decree of the Court within the meaning of Section 2(2) of C.P.C., therefore, the appeal would lie only under Section 96 of C.P.C.

6. His further submission is that Section 54 of the L.A. Act confines the appellate remedy only against the award or any part of the award of the Court. Since the impugned order has been passed on a Reference under Section 30 of the L.A. Act relating to apportionment of compensation and is not an award or part of an award, the present appeal under Section 54 of the L.A. Act is not maintainable.
7. His further submission is that the appeal is maintainable only under Section 96 of C.P.C., and so, requisite court fee payable on such an appeal has also not been paid.
8. Learned counsel for the 2nd respondent has placed reliance on the judgment of a Coordinate Bench of this Court in *Bollineni Srihari Rao v. Competent Authority and Special Collector, National Highway-5, Ongole*¹ and also on the judgment of the learned Single Judge of the High Court of Andhra Pradesh at Hyderabad in *The Deputy Director of Agriculture, Khammam and another v. Sarvadevabhatla Ramanadham and others*².
9. Per contra, learned counsel appearing for the appellant, submits that the instant appeal is maintainable under Section 54 of the L.A. Act, as the proceedings arise out of a Reference under the provisions of the L.A. Act itself on a decision by the Court.
10. We have considered the aforesaid submissions and proceed to decide the maintainability of appeal under Section 54 of the L.A. Act.
11. The instant appeal has been filed under Section 54 of the L.A. Act challenging the order passed by the Reference Court on a Reference made by the Collector under Section 30 of the L.A. Act.
12. To have a better understanding, Section 54 of the L.A. Act is excerpted hereunder:

"54. Appeals in proceedings before Court:-

Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908) applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment

¹ A.S. No.8 of 2025 dt.10.04.2025

² 1977 SCC Online AP 286

for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie (the Supreme Court) subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1908 (5 of 1908), and in Order XLV thereof."

13. A bare perusal of Section 54 of the L.A. Act shows that "an appeal shall lie in any proceedings under this Act to the High Court from the award, or any part of the award of the Court". The expression "from the award or any part of the award" refers to the adjudication made by the learned civil court in proceedings arising under the L.A. Act. So, the proceedings before the learned Civil Court in the present case arise from the award or part of the award and the award has been made appealable under Section 54 of L.A. Act. The present proceedings arise out of a Reference made by the Collector under Section 30 of the L.A. Act. Consequently, they constitute the proceedings under the L.A. Act within the meaning of Section 54. A reference under Section 30 stands on the same footing as a reference under Section 18, as both are statutory references made by the Collector to the Reference Court. While a reference under Section 18 of L.A. Act is made at the instance of a person interested who is dissatisfied with the award on the grounds specified therein, a reference under Section 30 is made where a dispute arises as to the apportionment of the compensation or as to the persons to whom the compensation is payable. In either case, the Reference Court adjudicates disputes which arise out of the award of the Collector.

14. Under the Land Acquisition Act, the award is made by the Collector under Section 11 of the Act. The award of the Collector except as provided in the Act is final and the conclusive evidence as between the Collector and the persons interested of the area and value of the land and apportionment of the compensation among the persons interested. As per Section 12, in making the award for determining the

compensation, the Collector shall be guided by the provisions contained in Sections 23 and 24 of the Act. As per Section 15 of the Act, any person interested who has not accepted the award may by written application to the Collector request that the matter be referred for determination of the Court, whether the objection be for measurements of the land, the amount of compensation, the persons, whom it is payable or apportionment of the compensation among the persons interested. So, any person, who is interested and who has not accepted the award i.e the award of the Collector, may apply to the Collector with respect to the grievance as mentioned in Section 18 of the Act for the matter being referred to the Court for determination of those questions. The objection of such interested person, may be as to (1) the measurements of the land (2) the amount of compensation (3) the person to whom the compensation is payable and (4) the apportionment of the compensation among the persons interested, under Section 18 of the Act for the reference to the court.

15. The court is defined under Section 3(d) of the Land Acquisition Act which means a 'Principal Civil Court of original jurisdiction', unless, the appropriate Government has appointed a special judicial officer within any specified local limits to perform functions of the Court under the Act. The Court decides the reference made under Section 18 of the Act.

16. The procedure provided is that the Collector shall 'state' for the information of the court, in writing under his hand on the points in Clauses (a) to (d) of Section 19(1). Section 20 then provides for the service of notice by the Court on the application of persons interested for the objection, except those who have consented without protest to receive payment of the compensation awarded. If any objections be with regard to the area of the land or to the amount of the compensation notice shall also be served to the Collector. The day on which the Court will proceed to determine the objection, shall be fixed directing their appearance before the Court on the date so fixed by the Court. Section 21 provides for the scope of the inquiry in every such procedure by the

Court. Section 22 provides that every such proceeding shall take place in open Court and Sections 23 and 24 provide for the matters to be considered in determining the compensation by the Court.

17. Section 26 provides for form of awards. According to this section, every award under that part (i.e., Part-III) shall be in writing signed by the Judge, and shall specify the amount awarded together with the grounds for awarding the amounts. Sub section(2) of Section 26 however provides that every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2, (2) and section 2, (9) of the Code of Civil Procedure, 1908 respectively.

18. Section 30 falls in Part-IV. It provides that when the amount of compensation has been settled under Section 11, if any dispute arises as to the apportionment of some or any part thereof or as to the persons to whom the some or any part thereof is payable, the Collector may refer such dispute for the decision of the Court. So, Section 30 also specifically deals with reference by the Collector for decision on the dispute of the apportionment by the Court. A collective reading of Section 18 falling in Part-III and Section 30 falling in Part-IV, makes it clear that so far as making of the reference on the dispute of apportionment of the amount of compensation and as to the persons to whom the same or any part thereof, is payable are covered under both Sections 18 & 30. Section 18 also covers the dispute on the point of apportionment and the persons to whom the compensation is payable. The only difference appears to be that under Section 18, the person interested has to file written application to the Collector upon which reference is made whereas under Section 30 the reference is to be made by the Collector himself on the points of apportionment and the person to whom the compensation is payable. But so far as the decision of the Court is concerned on such reference may be under Section 18 or under Section 30, the decision is made under Part-III itself. That decision is made by the Court and such decision by virtue of Section 26 (1) is called

an award and by virtue of Section 26(2) such award shall be deemed to be a decree of the court and the statement of the grounds of such award a judgment, within the meaning of section 2(2) and 2(9) respectively of the C.P.C.

19. The 'award' of the Collector made under Section 11 is different from an award made on a reference by the Court under Section 18 which is deemed to be a decree, in view of Section 26(2). If Section 54 is considered as providing for appeal to the High Court from the award or from any part of the award, then the award of the Collector would be directly appealable under Section 54 to the High Court. If it is considered that Section 54 provides for the appeal to the High Court from the award or from any part of the award of the Court, then there is no award of the Court as it is deemed to be a decree. Then such provision of Section 54 would be rendered nugatory inasmuch as in view of Section 26(2) of the Act, there being no award of the court in proceedings under Section 18 but a deemed decree. So, in our view under Section 54, An appeal lies to the High Court not from the award or any part of the award of the Court, there being no award or part of the award of the Court, but from the proceedings of the court under the Act, from the award or part of the Award. An appeal under Section 54 lies not from the award or part of the award either of the Collector or of the court, but, it provides for an appeal to the High Court 'in any proceedings under this Act' i.e. the proceedings under the Land Acquisition Act and those proceedings are from the award or from any part of the award i.e., the award of the Collector under Section 11. The expression 'proceedings' refers to any proceedings under the Act of the Court. So, proceedings of the Court from the award or any part of the award of the Collector under Section 18 or under Section 30 is appealable under Section 54 before the High Court.

20. Insofar as an award or any part of an award made in proceedings under the L.A. Act is concerned, the Legislature has specifically provided the remedy under Sections 18 and 30 of the L.A. Act. Had it

been the intention of the Legislature that decrees passed by the Reference Court under Section 30 should be appealable under Section 96 of C.P.C., there would have been no necessity to enact a special appellate provision under Section 54 of the L.A. Act. The very incorporation of Section 54 demonstrates the legislative intent that appeals arising from adjudications made in proceedings under the Act should be governed exclusively by the special provision.

21. So far as the submission that the order passed by the learned Civil Court is a decree is concerned, the only dispute is as to the decree is appealable either under Section 54 of the L.A. Act or under Section 96 of C.P.C. The statute specifically provides the appeal under Section 54 of the L.A. Act. Therefore, there is no question of invoking section 96 of C.P.C.

22. In a judgment reported in *The Deputy Director of Agriculture (supra2)*, the learned Single Judge had held that an order passed under Section 30 of the Act is a decree and not an award and, therefore, an appeal would lie under Section 96 of C.P.C. and not under Section 54 of the L.A. Act. In the said judgment, the scope and import of the expression "*in any proceedings under this Act from the award or from any part of the award*" occurring in Section 54 was not specifically examined. The view taken, proceeded on the premise that an appeal under section 54 of the L.A. act lies from an award or part of the award. While we agree that the adjudication under Sections 18 and 30 amounts to a decree, in view of Section 26 of the L.A. Act, we are of the considered opinion that the appellate remedy against such decree is governed by the special provision contained in Section 54 of the L.A. Act and not by the general provision under Section 96 of C.P.C.

23. The judgment of the learned single Judge proceeds on the ground that the appeal is provided under Section 54 'from the award' or part of the award and since the proceeding under Section 18 is not an award but a decree of a court that would be not appealable under Section 54 of the L.A Act but would be appealable under Section 96 CPC.

24. We are of the view, for the reasons recorded that an appeal lies under Section 54 to the High Court not from the award or part of the award.

25. The learned single Judge's view is not the correct interpretation of Section 54. It ignores the vital expression an appeal shall only lie in any proceeding under this Act to the High Court from the award or from any part of the award of the Court. It cannot be read as an appeal from the award or from any part of the award. But, the correct reading and interpretation is from any proceedings under the Act of the Court from the award or any part of the award.

26. The judgment in the case of Bollineni Srihari Rao (supra1) relied upon by the learned counsel for the 2nd respondent, was rendered in the context of reference under Section 3H(4) of the National Highways Act, 1956, which stands on an entirely different footing. The National Highways Act does not provide any appellate remedy against the decision of the civil court under Section 3H(4). Consequently, the Coordinate Bench of this Court held that, since the order of the learned Civil Court amounts to decree and since there was no special appellate provision under the enactment, an appeal under Section 96 of C.P.C. was maintainable as otherwise (i.e., that an order under Section 3H(4) would not be appealable, was also not provided neither by C.P.C. nor by N.H.Act. The said judgment is, therefore, clearly distinguishable and has no application to the present case, where Section 54 of the Land Acquisition Act expressly provides a statutory appellate remedy.

27. Section 54 of L.A. Act which opens with the expression 'subject to the provisions of the Code of Civil Procedure applicable to the appeals from the original decrees' refers only to the procedural part of the Code of Civil Procedure relating to appeals from the original decrees. Right of appeal is a substantive right. It is provided by Section 96 CPC. It is also provided under the different statutes with respect to the proceedings and order under those statutes. Under the Land Acquisition Act, the right of the appeal has been provided by Section 54 itself. Land

Acquisition Act is a Complete Code. So, the statutory appeal is provided under Section 54 of the Act. The procedure applicable for filing the appeal under CPC from the original jurisdiction under Section 96 of CPC shall be applicable to such appeals under Section 54 of the Act. Only the procedure for filing the First Appeal against the decree has been made applicable to the appeals under Section 54 of the Act before the High Court.

28. In view of the consideration made above, we hold that an appeal against the decree passed by the Reference Court in proceedings under Sections 18 or 30 of the L.A. Act is maintainable only under Section 54 of the L.A. Act.

29. Consequently, the judgment in the case Deputy Director of Agriculture (supra2) to the extent it holds that an appeal lies under Section 96 of C.P.C. and not under Section 54 of L.A. Act does not lay down the correct law and is overruled on that aspect.

30. The preliminary objection regarding maintainability is rejected.

31. List the matter on 16.07.2026.

SD/- T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

One Fair Copy to the Hon`ble Sri Justice RAVI NATH TILHARI (for his Lordships Kind Perusal)

AND

One Fair Copy to the Hon`ble Sri Justice SUBHENDU SAMANTA (for his Lordships Kind Perusal)

To,

1. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.

2. The Secretary, A.P. Advocates Association Library, High Court Buildings, Amaravati
3. The Section Officer, Judicial Index Section, High Court of Andhra Pradesh at Amaravati.
4. The Land Acquisition Officer & Special Deputy Collector, AVR HNSS - Unit-II, Piler.
5. P. Sarojamma, W/o. P.Gangaiah, Aged about 86 years, Occ: Housewife, R/o. Pacharlavaripalli @ Pottisiddareddigaripalli Village, H/o. Venkatadasarapalli Village, Pulicherla Mandal, Chittoor District. (Addressee Nos. 4 & 5 BY RPAD)
6. One CC to Sri. M K RAJ KUMAR, Advocate [OPUC]
7. One CC to Sri. M VENKATA RAMANA REDDY, Advocate [OPUC]
8. 9 L.R. Copies.
9. Three C.D. Copies
10. Two Spare Copies

JSS

HIGH COURT

RNT, J

&

SS, J

DATED:25/06/2026

LIST THE MATTER ON 16.07.2026.

ORDER

LAAS.No.10 of 2026

DIRECTION

