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C.A.No. 2130-2133 OF 1999
ITEM No.106

Court No. 6

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal Nos.2130-2133 of 1999

STATE OF A.P. & ORS. APPELLANT(S)

VERSUS

KATARI PRASAD & ORS. RESPONDENT (S)
(With office report)

WITH C.A.NOS.7597/99 AND 4518-4519/2000

Date : 28/07/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Tripurari Ray, Adv.
Mr. Manoj Saxena, Adv.
Mr. Mohan Prasad Meharia, Adv.
Mr. S.K. Mitra, Adv.

For Respondent (s)Mr. K. Maruthi Rao, Adv.
Ms. K. Radha, Adv.
Mr. D. Mahesh Babu, Adv.

in CA 2130-33Mr. B. Kanta Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

C.A.Nos.2130-33/99:

De-linked.

The learned counsel for the respondents submitted that the respondents had taken no objection from him to engage another advocate long back and inspite of notice issued to them to make an alternative arrangement, no response is received from the respondents and the notice to make a lternative arrangement has also been returned. Under the circumstances, he prays for discharge

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In this view, while discharging the learned counsel we direct the office to issue notice to th e respondents to make alternative arrangement and list these matters after service is complete

C.A.No.7597/99:

De-linked.

List along with C.A.Nos.2130-33/99.

C.A.Nos.4518-19/2000:

The appeals are dismissed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order in CA Nos.4518-19/2000 is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4518-4519 OF 2000

THE LAND ACQ. OFFICER-CUM-
REV. DIV. OFFICER, A.P. & ORS. ... APPELLANTS

VERSUS

B. INDIRAMMA @ B. INDIRA & ORS. ... RESPONDENTS

O R D E R

The facts, that are not in dispute are that the lands in Survey No.384 of Chintapalli Village, Nalgonda District were notified for acquisition under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') on 6.5.1982 but the further proceedings were not taken to pass an Award, to determine the amount of compensation payable to the respondents. In that situation, the respondents approached the High Court by filing writ petition seeking direction to the effect that the appellants be directed to make award inquiry under the provisions of the Act, pass the Award and pay the compensation. It appears, the State resisted the ..2/-

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writ petition filed on the ground that the land in question could be resumed by the State and as such, it was not necessary to make an Award, which contention was rejected by the High Court and the impugned order was passed. The High Court took the view that when the Authorities had issued notification under Section 4(1) of the Act proposing to acquire the land it was necessary to proceed under law and make an Award, particularly, in the absence of any resumption of the land in question. This being the position, no fault can be found with the impugned order. Consequently, the appeals are dismissed.
No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
New Delhi, [B.N. SRIKRISHNA]
July 28, 2004.

