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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 7635-7636 OF 2004

M/S. BHARAT DYNAMICS LTD.Appellant

VERSUS

GUDURU RANGAREDDY & ANR.ETC.Respondents

O R D E R

1. These appeals have been preferred against the impugned judgment and order dated 16.9.2002 in Appeal Nos. 180 and 1160 of 1996 passed by the High Court of Andhra Pradesh at Hyderabad.

2. The facts and circumstances giving rise to these appeals are:

A. that the respondent no. 1 claimed to be the owner and in physical possession of the land admeasuring 4 acres and 27 guntas in Survey No. 87/27 situate in the revenue estate of village Karmanghat Hayathnagar Taluka, Distt. Rangareddy, as he claimed to have purchased the said land by a registered deed dated 19.9.1957 for consideration.

B. The Government of Andhra Pradesh acquired land in 1972 and 1976 under the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') and handed over the same to the appellant for establishment of its factory. Respondent no. 1 claimed by filing a suit that the aforesaid land had been taken away though it was not notified under Section 4 of the Act. Therefore, either he should be restored possession of the land in dispute or be awarded compensation which had been awarded to other tenure-holders.

C. The appellant contested the suit taking various grounds inter alia that the respondent no. 1/plaintiff was not the owner or in possession of the land in dispute. The learned trial Court vide judgment and decree dated 14.09.1995 decreed the suit awarding compensation a sum which was lesser than what had been awarded to other tenure holders, whose land had been acquired.

D. Aggrieved, both the parties filed appeals before the High Court and the appeal of the present appellant was dismissed, however, the appeal of the respondents No.1 has been allowed enhancing the compensation to Rs. 38,720/- per acre as has been awarded to other tenure holders.

Hence these appeals.

3. We have heard learned counsel for the parties and perused the record.

4. Admittedly, the sale deed dated 19.9.1957 is in the name of

Gudur Rangiah S/o Gudur Gopiah and it is in respect of Survey No. 87/1 ad-measuring 4 acres and 24 guntas. The suit was filed by the respondent no.1/plaintiff in the name of Gudur Rangareddy s/o Gopi Reddy and the land had been shown as in Survey No. 87/27 in Karmanghat village. While filing the suit or at any subsequent stage no explanation has been furnished by the respondent No.1/Plaintiff as how his name and parentage could be changed.

5. Further, it is explained by the respondent No.1/Plaintiff that there had been a mistake on the part of the revenue authorities which resulted in change of survey number. Thus, an application for correction of revenue record was filed. Allowing that application, the directions were issued by the revenue authority to correct the revenue record and hence new survey no. 87/27 was accorded.

6. The learned trial Court dealt with the issue and took note of the order of the revenue authority issuing direction to correct the revenue record but it failed to note that direction had been only to the extent that correct "phodi" nos. be recorded. There was no direction by the revenue authority to give a new "phodi" number. More so, the map placed before the trial Court gives a complete description and geographical situation of the land in dispute and it is evident from the same that survey no. 87/1 had not been sandwiched between the land which stood acquired rather it existed on one side of the said acquired land. Section 4 notification dated 25th February, 1974 had been in respect of Survey Nos. 87/3 to 87/16 and 87/19.

Therefore, there has been a complete crisis regarding the identity of the respondent no.1/plaintiff, his parentage and the land in dispute.

7. In these circumstances, the trial Court as well as the High Court have gone wrong. There was no occasion for either of the Courts to entertain the suit filed by the respondent no. 1/Plaintiff as he failed to establish his own identity, his parentage and regarding the identity of the land. These were very relevant facts which ought to have been pleaded and proved by the respondent No.1/Plaintiff before the trial Court. Unfortunately, the appellant or the State Government did not raise any objection in respect of either of these issues, but that does not mean that we also remain silent spectators to the case decided by the court without appropriate pleadings. Respondent No.1/Plaintiff could not point out as if he had purchased the land in 1957, how had he used the land. There is no proof as to whether he had been in possession of the said land. More so, if he was in possession when and how and by whom he was dispossessed. Further, as why he could not raise any objection at the time of dispossession. Thus, respondent No.1/Plaintiff put forward a false claim. Once the appellant/defendant raised the issue of ownership and possession of the respondent No.1/Plaintiff in its written statement, the trial court ought to have framed an issue in this regard.

8. In view of the above, the appeals are allowed. The judgments of the trial Court as well as the High Court are set aside. The Suit is hereby dismissed.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI
MARCH 06, 2013.

ITEM NO.103 Court No.7 SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7635-7636 OF 2004

M/S. BHARAT DYNAMICS LTD. Appellant (s)

VERSUS

GUDURU RANGAREDDY & ANR.ETC. Respondent(s)

(With office report)

Date: 06/03/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. K. Radhakrishnan, Sr. Adv.
Mr. P. Parmeswaran, Adv.
Mr. Yusuf, Adv.

For Respondent(s) Mr. M. Srinivas R. Rao, Adv.
Mr. Abid Ali Beeran, Adv.
Ms. Neeru Vaid,Adv.

Ms. C.K. Sucharita ,Adv

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

The appeals are allowed. The judgments of the trial Court as well as the High Court are set aside. The Suit is hereby dismissed in terms of the signed order.

| (DEEPAK MANSUKHANI)
| Court Master

| (M.S. NEGI)
| Court Master

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(Signed order is placed on the file)