

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). 5897-5898 OF 2004

P. AGAMAIAH (DEAD) BY LRS & ORS Appellant (s)

VERSUS

GOVT. OF A.P. AND ORS. Respondent(s)

(With office report)

WITH Civil Appeal NO. 6026 of 2004
(With office report)

Date: 28/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Kanaka Raju, Sr. Adv.
Mr. P. Venkat Reddy, Adv.
Mr. B. Ramamurthy, Adv. for
Mr. C.S.N. Mohan Rao, Adv.

Ms. C.K. Sucharita, Adv.

For Respondent(s) Mr. R. Sundarvardhan, Sr. Adv.
Ms. C.K. Sucharita, Adv.
Ms. Nirada Das, Adv.

Mr. K.K. Tyagi, Adv.
Mr. Iftekhar Ahmad, Adv.
Mr. P. Narasimhan ,Adv

Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. K. Maruthi Rao, Adv.
Mr. K. Radha, Adv.
Ms. Anjani Aiyagari, Adv.

:1:

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

CIVIL APPEAL NO(s). 5897-5898 OF 2004

These Appeals are allowed.

CIVIL APPEAL NO. 6026 of 2004

This Appeal is allowed.

(Rajesh Dham)
Court Master

(Indu Satiya)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 5897-5898 OF 2004

P. AGAMAIAH (DEAD) BY LRS & ORS

Appellant (s)

VERSUS

GOVT. OF A.P. AND ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 6026 OF 2004

O R D E R

Heard the learned counsel for the parties in the Appeals.

CIVIL APPEAL NO(s). 5897-5898 OF 2004

These Appeals have been filed against the impugned judgment of the High Court of Andhra Pradesh dated 26.02.2003 passed in W.P. 20282/1999 and W.P. 563/2000.

The facts have already been set out in the impugned judgment and hence we are not repeating the same here.

It appears that two writ petitions have been filed in the Andhra Pradesh which were decided by the Division Bench of the High Court by the impugned judgment.

:1:

After carefully gone through the impugned judgment, we are of the opinion that the writ petitions should have been dismissed on the ground of alternative remedy since disputed questions of fact and law were involved which could be more appropriately decided in a civil court.

The High Court has interfered with the Government Order dated 07.09.1999.

We

are of the opinion that the High Court committed a mistake

in interfering with the said Government Order as the

question of extent of area could only have been decided in a civil suit by showing the title to the land in question.

We have been informed that the private parties have compromised in the matter but that was done without making the Government as a party to the said compromise. In our opinion, the said compromise is null and void since the Government was not a party to it.

In the result, we allow these Appeals, set aside the impugned judgment of the High Court without going into the merits of the controversy and the writ petitions are dismissed on the ground of alternative remedy. No costs.

However, we leave open the parties to establish their rights in a civil suit or appropriate proceedings.

:2:
CIVIL APPEAL NO. 6026 of 2004

This Appeal is allowed. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

NEW DELHI
SEPTEMBER 28, 2010.

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