

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). 6489 OF 2005

P. JANARDHANA REDDY (D) Appellant (s)

VERSUS

PEELA POTHINAIDU & ORS. Respondent(s)

(With appln(s) for impleadment and with office report)

WITH Civil Appeal NO. 6486-6487 of 2005  
(With office report)

Date: 12/01/2012 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s)

Mr. Y. Raja Gopala Rao, Adv.  
Ms. Vismai Rao, Adv.  
Mr. Hitendra Nath Rath, Adv.

for Mr. B.V. Deepak, Adv.  
M/S. T.T.K. Deepak & Co.

IA No. 2

Mr. P. Vinay Kumar, Adv.  
Mr. Anil Kumar Tandale, Adv.

For Respondent(s)

Mr. A.K. Ganguli, Sr. Adv.  
Mr. Guntur Prabhakar, Adv.

Mr. G.N. Reddy, Adv.  
Mr. C. Kannan, Adv.  
Mr. Ravi Shankar, Adv.

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

The sole appellant - P. Janardhana Reddy - has  
died. On September 22, 2011, Mr. Y. Raja Gopala Rao,  
counsel for the appellant sought time to seek  
instructions whether his legal representatives were  
desirous of substitution. Mr. V. Raja Gopala Rao,

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learned counsel submits that despite communication, he  
has not received any instructions from the legal  
representatives of deceased P. Janardhana Reddy.

The matter has a chequered history in respect of

the land acquired by the Andhra Pradesh Government for Yeleru Reservoir Project. There were large scale irregularities in the payment of compensation. After some internal inquiries, on February 5, 1997 the Government of Andhra Pradesh in exercise of its powers under Section 3(1) of the Commissions of Inquiry Act, 1952 (for short '1952 Act') appointed a sitting Judge of the High Court, namely, Mr. Justice S.R. Nayak as Commission of Inquiry. Mr. Justice S.R. Nayak tendered his resignation on April 4, 1997 as Commission of Inquiry. This led to issuance of another notification dated June 2, 1997 under Section 3(1) of 1952 Act appointing Mr. Justice B.K. Somasekhara as Commission of Inquiry. The tenure of the Commission was initially fixed for six months from the date of the notification but that was extended from time to time. A writ petition (being Writ Petition No. 14282 of 1998) was filed before the Andhra Pradesh High Court questioning the notification dated June 2, 1997. The Division Bench of the Andhra Pradesh High Court vide its judgment dated June 23, 1999 quashed the notification dated June 2, 1997. The present appellant(now dead) challenged the

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decision of the High Court before this Court. On July 13, 2001, this Court set aside the decision of the High Court. As a result of which the notification dated June 2, 1997 became operative.

On August 4, 2001, the Government of Andhra Pradesh invoked its powers under Section 7(1)(a) read with Section 7(2) of the 1952 Act and declared that the Commission of Inquiry constituted vide notification dated June 2, 1997 shall be deemed to have ceased to exist w.e.f. December 1, 1999. On August 8, 2001, some

amendments were carried out in the notification of August 4, 2001.

The notifications dated August 4, 2001 and August 8, 2001 were questioned before the Andhra Pradesh High Court in the Writ Petition (being Writ Petition No. 21111 of 2001) by the appellant herein. The Division Bench of the Andhra Pradesh High Court dismissed that writ petition on January 24, 2003. This decision of the High Court seems to have attained finality as neither the appellant herein nor anyone challenged that order.

On June 22, 2004, a fresh notification came to be issued by the Government of Andhra Pradesh by invoking its powers under Sub-section (1) of Section 3 of 1952 Act withdrawing the notifications dated August 4, 2001 and

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August 8, 2001. This notification further stated that the Commission of Inquiry would be deemed to have continued with retrospective effect i.e., from December 1, 1999 and the aforesaid Commission shall continue its inquiry from where it was stopped.

This notification dated June 22, 2004 came to be challenged in two writ petitions by the present respondent no. 1 and in the 3rd writ petition filed by the Telegu Desam Party through its General Secretary and one Mr. Ashok Gajapattu Raju. In Writ Petition no. 14110 of 2004 filed by the present respondent no. 1, the appellant herein was impleaded as respondent no. 4.

The Division Bench of the Andhra Pradesh High Court vide its judgment dated April 26, 2005 allowed the writ petition and quashed the notification dated June 22, 2004. It is from this order that these appeals have

arisen by special leave.

The above facts clearly indicate that the subject matter in these appeals is in the nature of public interest. Although, legal representatives of deceased appellant have not come forward for their substitution, an application (IA No. 2 of 2009) has been made by Dr. B. Madhusudhan Reddy for his impleadment. In Para 4 of the application, it is stated that the sole appellant was

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reportedly dead and hence in order to continue the appeal, he may be impleaded as petitioner in the interest of public.

In the prayer clause, the applicant has prayed that applicant be impleaded as party respondent. Obviously, there is some inconsistency in the prayer clause. However, looking to the nature of the controversy in these matters as noticed above, we permit the applicant-Dr. Madhusudhan Reddy- to be impleaded as appellant in place of deceased appellant.

We heard the matter for some time but the counsel for the State Government was not present. Now, Mr. G.N. Reddy, learned counsel for the State Government appears and prays for some time to seek instructions and inform this Court about the disciplinary action taken in the matter against erring officials, the outcome of the criminal cases and the Land acquisition appeals reference of which has come in the order dated January 24, 2003 passed by the Andhra Pradesh High Court.

List these matters after two weeks.

Court Master

Court Master