

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4013 OF 2015
(@ SPECIAL LEAVE PETITION (C) NO. 11497 OF 2006)

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

VERSUS

RACHAMALLA BUGGANNA (D)
BY LRS. & ORS. ..RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the interim order passed by the High Court of Andhra Pradesh at Hyderabad in SAMP NO.160 of 2005 in Second Appeal No.1370 of 2004, dated 17.6.2005.

3. The facts are that the District Social Welfare/Land Acquisition Officer, Kurnool has acquired 15.45 acres of land in Sy. No.331/1 of Nandyal Town by paying compensation to the land owners/ pattadars and taken possession of the land on 10.05.1977. The land owners/respondents-herein have accepted the compensation amount undisputedly. Later, the land owners/respondents objected for the acquisition and approached the High Court by filing W.P. (C) No.1640 of 1977, which was dismissed by the High Court, dated 21.06.1978.

Signature Not Verified

4. Digitally signed by

Ramana Venkata Ganti
Date: 2015.04.29
16:26:09 IST

Again, the land owners/ respondents have approached the

Principal Junior Civil Judge, Nandyal seeking permanent Reason:

injunction, restraining the appellants from dispossessing them

from the possession of suit land. But the said suit came to be dismissed on 31.12.1991.

5. Aggrieved by the same, the respondents approached the Senior Civil Judge Court, Nandyal but the same was remanded back to the Principal Junior Civil Judge for fresh disposal. The Principal Junior Civil Judge, Nandyal after hearing the suit afresh dismissed the suit on the ground that the Civil Court has no jurisdiction to entertain the suit.

6. Aggrieved by the same the respondents again approached the Principal Senior Civil Judge at Nandyal by filing A.S. No.17/99 but the same was also dismissed on the ground that the Civil Court has no jurisdiction to entertain the suit.

7. Being aggrieved, the respondents approached the High Court by filing Second Appeal No.1370 of 2004. The High Court in its impugned interim order has protected the possession of lands of the respondents.

8. Aggrieved by the impugned interim order passed by the High Court the appellants are before us in this civil appeal.

9. Heard learned counsel for the parties to the lis.

10. It is not in dispute that the respondents-herein have accepted the compensation paid by the appellants for acquiring the land. It is also not disputed that the respondents have not filed any application under Section 18 of the Land Acquisition Act, 1894

3

before the competent forum for reference. In that view of the matter, in our opinion, the High Court was not justified in granting interim relief to the respondents-herein.

11. In view of the above, we allow this appeal and set aside the order passed by the High Court.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI;
APRIL 24, 2015

4

ITEM NO.63

COURT NO.1

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

Petition(s) for Special Leave to Appeal (C) No(s). 11497/2006

(Arising out of impugned final judgment and order dated 17/06/2005
in SAMP No. 160/2005,17/06/2005 in SA No. 1370/2004 passed by the
High Court Of A.P. At Hyderabad)

STATE OF A.P. AND ORS..

Petitioner(s)

VERSUS

RACHAMALLA BUGGANNA (D) BY LRS. & ORS.

Respondent(s)

(with interim relief and office report)

Date : 24/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Ms.Prerna Singh, Adv.
Mr. Guntur Prabhakar,Adv.

For Respondent(s) Mr. M. Vijaya Bhaskar,Adv.

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

Leave granted.

Delay condoned.

The appeal is allowed, in terms of the signed order.

(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar