

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 6376-6377 OF 2010

AUTHORISED OFFICER, LAND REFORMS TRIBUNAL

Appellant(s)

VERSUS

KOKA RAMADASAPPA (D) THR.LR.

Respondent(s)

O R D E RA.S. BOPANNA, J.:

(1) The appellant herein is before this Court assailing the Order dated 17.07.2018 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad. Through the said Order, the High Court has dismissed the petition in Civil Revision Petition No.3685 of 2005 filed by the appellant herein and insofar as the petition in Civil Revision Petition No.6002 of 2005 filed by the respondent herein direction has been issued to take note of the provision as contained in Section 11(2) of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 and proceed accordingly.

(2) The appellant herein who was the petitioner in Civil Revision Petition NO.3685 of 2005 claiming to be aggrieved by the said order through which the High Court has upheld the order passed by the Land Reforms Tribunal, Anantapur, to pay interest at the rate of 12% per annum, is before this Court in these appeals.

(3) We have heard Ms. Sujatha Bagadhi, learned counsel appearing for the appellant and Mr. G.V.R. Choudhary, learned counsel appearing for the respondent. We have perused the appeal papers.

(4) The brief facts are that the respondent-landowner had possessed lands in excess of the ceiling limit and as such the proceedings under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 was instituted. In such proceedings the extent of surplus land held by the respondent was determined and the possession of an extent of land measuring 88.57 acres was taken over by the Government. In respect of the same the compensation was awarded in a sum of Rs.1,08,074/- and the Land Reforms Tribunal, Anantapur, has directed the appellant herein to pay the sum along with interest at the rate of 12% per annum within the time-frame, as indicated, failing which the interest was to be paid at the rate of 15% per annum.

(5) Insofar as the ceiling limit and the compensation that is required to be paid, there is no dispute raised in the instant appeal(s). The only ground urged in the instant appeal(s) is that the Land Reforms Tribunal was not justified in awarding interest on the said amount. In that regard it is contended that neither Act 1973 nor Rules 1974 contemplates payment of interest on the compensation.

(6) In that view it is contended by learned counsel for the appellant that the compensation was determined immediately after

possession of the land was taken over on 05.08.1987 and the compensation was disbursed on 05.11.1987. Hence, learned counsel appearing for the appellant contends that when there is no delay in determining and paying the compensation the grant of interest on the amount is not justified mere so when there is no provisions to that effect in the enactment.

(7) In the background of the contentions put forth by learned counsel for the appellant we have perused the order impugned herein. It is seen that the High Court while taking note on this aspect has also taken into consideration the fact that the Land Reforms Tribunal while arriving at its conclusion to order payment of interest had taken into consideration the earlier decision of the Division Bench of the High Court of Andhra Pradesh in the case of V. Ramachandra Reddy v. Govt. of Andhra Pradesh - 1995 (3) L.T. 203 (P.B.) wherein payment of interest is ordered. In the said decision it was held that though the enactment does not indicate the provision for payment of interest, in the matter of payment of compensation when the land is acquired, the landowner is also to be paid interest along with the compensation for the time taken to pay the compensation after the land vests in the Government. In such event when there is no material on record to indicate that the decision in the case of V. Ramachandra Reddy (supra) has been assailed and set aside, the same would hold the field and apply to similar cases. In that circumstances, the Land Reforms Tribunal has taken note of the same and accordingly awarded the interest. The High Court, therefore, was justified in upholding the order.

(8) Insofar as the direction issued by the High Court to follow the procedure under Rule 11(2), that was in the circumstance where the respondent herein who was the petitioner in Civil Revision Petition NO.6002 of 2005 had made out a grievance with regard to the compensation not being appropriately assessed. To that extent without specifying the manner in which it was to be followed, the High Court indicated the provision of law which is required to be followed. Hence the learned counsel for the appellant cannot make out any grievance against the same as it is for the appellant to keep in view the provision and make the assessment. In view of above, we see no reason to interfere with the impugned order in these appeals.

(9) The appeals being devoid of merit stand dismissed. There shall be no order as to costs.

.....J.
(A.S. BOPANNA)

.....J.
(HRISHIKESH ROY)

NEW DELHI,
DECEMBER 4, 2019.

ITEM NO.104

COURT NO.5

SECTION XII-A

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

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Date : 04-12-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Ms. Sujatha Bagadhi, Adv.
 Mr. G.N. Reddy, Adv.
 Mr. T. Vijay Bhaskar Reddy, Adv.
 Mr. Guntur Prabhakar, AOR

For Respondent(s) Mr. G.V.R. Choudhary, Adv.
 Mr. Harsh Singhal, Adv.
 Mr. K. Shivraj Choudhuri, AOR

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

In terms of the signed non-reportable order, the appeals are dismissed. There shall be no order as to costs.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER

(Signed non-reportable order is placed on the file)