

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

**THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**



PRESENT

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

AND

HON'BLE MR. JUSTICE R RAGHUNANDAN RAO

WRIT APPEAL NO: 186 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the order in WP No. 33712 of 2023 dated 29.01.2024 on the file of the High Court.

Between:

1. M. Venkata Subba Reddy, S/o.M. Venkkata Subba Reddy, Aged about 72 years, Occ: Agriculture, R/o. D. No. 38/1560-B, Sagar Colony, Ramanjaneyappuram, Kadapa City, YSR Kadapa District.
2. Mukam Penchalaiah, S/o. Penchalaiah, Aged about 50 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
3. Mamidi Sesha Reddy, S/o. Sesha Reddy, Aged about 52 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
4. P. Narayana Reddy, S/o. Konda Reddy, Aged about 54 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
5. Malla Vennkata Subbaiah, S/o. Subbaiah, Aged about 45 years, Occ: Driver R/o. Gollapalli Village, Atlur mandal, YSR Kadapa District.
6. Bathala Chenchamma, W/o. B. Sambaiah, Aged about 55 years, Occ: House wife, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
7. Thanga Nagaiah, S/o. Papaiah, Aged about 45 years, Occ: Agriculture, R/o. Gollapalli Village, Atlur mandal, YSR Kadapa District.
8. Mamidi Lakshmi Devi, W/o. Subba Reddy, Aged about 48 years, Occ: House wife, R/o. D. No. 38/1560-B, Sagar Colony, Ramanjaneyapuram, Kadapa City, YSR Kadapa Dist.
9. Gade Nagaiah, S/o. Subbaiah, Aged about 51 years, Occ: Agriculture, R/o. Gollapalli Village, Atlur mandal, YSR Kadapa District.
10. Pallem Pitchi Reddy, S/o. Yella Reddy, Aged about 60 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
11. Mamidi Lakshmi Devi, W/o. Yella Reddy, Aged about 45 years, Occ: Agriculture, R/o. D. No. 38/1560-B, Sagar Colony, Ramanjaneyapuram, Kadapa City, YSR Kadapa District.
12. Arem Narasimha Reddy, S/o. Arem Pitchi Reddy, Aged about 55 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.
13. Anduri Ramakrishna Reddy, S/o. Bayanna, Aged about 59 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur mandal, YSR Kadapa District.

...APPELLANTS/RESPONDENTS

AND

1. Mamidi Sreenivasulu Reddy, S/o. M. Venkata Subba Reddy, Aged about 48 years, Occ: Correspondent, Srinivasa ITI College, R/o. Flat No. 304, Balaji Colony, Chinnachowk, Kadapa, YSR Kadapa District.
2. M. Ramyasree, W/o. Mamidi Sreenivasulu Reddy, Aged about 40 years, Occ: House wife, R/o. Flat No. 304, Balaji Colony, Chinnachowk, Kadapa, YSR Kadapa District.
3. Mamidi Kalavathi, W/o. Srikanth Reddy, Aged about 40 years, Occ, House wife, R/o. D. No. 36/210-2, Sri Lakshmi Nagar, Chinnachowk, Kadapa, YSR Kadapa District.
4. Mamidi Narayanamma, W/o. Venkata Subba Reddy, Aged about 70 years, Occ: House wife, R/o. Flat No. 304, Balaji Colony, Chinnachowk, Kadapa, YSR Kadapa District.
5. D. Venkata Subbamma, W/o. Muni Reddy, Aged about 44 years, Occ: Housewife, R/o. D. No. 36/257-2, Chinnachowk, Kadapa, Y.S.R. District.
6. Mamidi Venkata Subba Reddy, S/o. M. Venkata Subba Reddy, Aged about 39 years, Occ: Private Employee, R/o. D. No. 38/1560-B, Sagar Colony, Ramanjaneyapuram, Kadapa City, Y.S.R. District.
7. B. Venkata Sudhamma, W/o. Venkata Subba Reddy, Aged about 38 years, Occ: Employee, R/o. D.No. 38/1560-B, Sagar Colony, Ramanjaneyapuram, Kadapa City, Y.S.R. District.

...RESPONDENTS/WRIT PETITIONERS

8. The State of Andhra Pradesh, Rep. by its Principal Secretary, Water Resources (LA) Department, Secretariat, Velagapudi, Amaravathi, Guntur District
9. The Commissioner, Rehabilitation and Re-Settlement, Andhra Hospitals, Venakta Novus Elite, 1st Floor, Gollapudi, Vijayawada, Andhra Pradesh.
10. The District Collector, YSR Kkadapa District, Kadapa.
11. The Special Collector (LA GNSS), YSR Kadapa District, Office of New Collectorate, Kadapa, YSR Kadapa District.
12. The Special Deputy Collector (LA) Unit-II, Somasila Project Rajampeta, YSR Kadapa District.
13. P. Narayana Reddy, S/o. Konda Reddy, Aged about 54 years, Occ: Agriculture, R/o. Rangampalli Village, Atlur Mandal, YSR District Presently residing at Kadapa. (13th Respondent who is Not Necessary party to this Appeal)

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed in WP No. 33712 of 2023, dated 29.01.2024 pending disposal of Writ Appeal in this Hon'ble Court.

Counsel for the Appellants : SRI S. LAKSHMINARAYANA REDDY
Counsel for the Respondent Nos.1 to 7 : SRI B.ABHAY SIDDHANTH MOOTHA
Counsel for the Respondent No.8 : GP FOR IRRIGATION AND COMMON AREA DEVELOPMENT
Counsel for the Respondent Nos.9 to 12 : GP FOR LAND ACQUISITION

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI
HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R.RAGHUNANDAN RAO

WRIT APPEAL No.186 of 2024

M. Venkata Subba Reddy,
S/o. M. Venkata Subba Reddy,
Aged about 72 years, Occ: Agriculture,
R/o. D.No.38/1560-B, Sagar Colony,
Ramanjaneyappuram, Kadapa City,
YSR Kadapa District and 12 others.

... Appellants

Vs.

Mamidi Sreenivasulu Reddy,
S/o. M. Venkata Subba Reddy,
Aged about 48 years, Occ: Correspondent,
Srinivasa ITI College, R/o. Flat No.304,
Balaji Colony, Chinnachowk, Kadapa,
YSR District and 12 others.

... Respondents

Counsel for the Appellant : Mr. S. Lakshmi Narayana Reddy

Counsel for the Respondents : Mr. B. Abhay Siddhanth Mootha
- R1 to R7

G.P. for Irrigation - R8

G.P. for Land Acquisition - R9 to R12

Dt.: 29.02.2024

PER DHIRAJ SINGH THAKUR, CJ (Oral):

This appeal filed under Clause 15 of the Letters Patent has
been preferred against judgment and order dated 29.01.2024
passed in W.P.No.33712 of 2023.

2. Briefly stated, the material facts are as under:

The petitioners filed a writ petition before the learned Single Judge wherein it was stated that they were successors-in-interest of one, Mamidi Gangi Reddy, in regard to a plot of land admeasuring forty five cents. It is stated that the District Collector of Kadapa District issued a notification dated 09.01.1991 for acquiring land for Somasila project and although the land in question along with structures was initially included in the notification so issued, at the time of passing of the Award, the said land was excluded on the ground that it was below the reservoir level. The petitioners claim that they subsequently built 17 structures in the said land for residential and non-residential purposes and were in continuous possession and enjoyment of the same.

3. It is the case of the petitioners that subsequently the left over land which includes the land of the petitioners and the structures thereupon was sought to be acquired and a notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (in short, 'the 2013 Act') was published. It was the case of the petitioners that the names of the respondent Nos.8 to 19 were

shown as owners of the subject property instead of the petitioners. Objections filed to the notification under Section 11 of 2013 Act initially were not considered, which led the petitioners to file W.P.No.26828 of 2021 wherein directions were issued for consideration of the objections which were finally rejected by the Order dated 23.04.2022 which are still the subject matter of challenge in writ petition No.13133 of 2022.

4. The case of the petitioners was that even then the petitioners were 'persons interested' in terms of Section 21 of the Act of 2013, no notice under the said Section was issued by the Special Deputy Collector (Land Acquisition) Unit-II of the Somasila Project and that an Award came to be passed in violation of the principles of natural justice. The apprehension expressed was that since the names of the petitioners are not included as "persons interested", they would not be in a position to pursue their remedies in terms of Section 64 of the 2013 Act before the Authority.

5. The learned Single Judge, by virtue of judgment and order impugned dated 29.01.2024 passed in W.P.No.33712 of 2023, permitted the petitioners to file an application for reference under Section 64 of the Act and further ordered that the same be

considered and disposed of in accordance with law by providing an opportunity of being heard to all the concerned parties.

6. In the present Letters Patent Appeal, learned counsel for the appellants representing the appellants who were respondent Nos.6 to 19 in the writ petition urged that the liberty granted by the learned Single Judge ought not to have been so granted inasmuch as the petitioners had not filed the application within the limitation provided under the first proviso to sub-Section 2 of Section 64 of the 2013 Act.

7. While the learned counsel for the appellants may be right to some extent that the first proviso to sub-Section 2 of Section 64 of the 2013 Act does envisage an application to be filed within 6 weeks from the date of the Collector's Award for seeking a reference under Section 64 of the 2013 Act, yet, even if the said application is not filed within the time so prescribed, the Collector has been vested with the power to entertain an application even after the expiry of the said period and that such an application can be filed within a further period of one year if the applicant otherwise satisfies that there was sufficient cause for not filing the application within the period specified in the said first proviso.

8. In our opinion, there is no illegality in the judgment and order impugned. This appeal is found to be without any merit and is accordingly dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri S. Lakshminarayana Reddy, Advocate [OPUC]
2. One CC to Sri B.Abhay Siddhanth Mootha, Advocate [OPUC]
3. Two CCs to GP for Irrigation and Common Area Development, High Court of Andhra Pradesh. (OUT)
4. Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh. (OUT)
5. Three C.D. Copies

Cnr

Rajitha

HIGH COURT

DATED:29/02/2024

ORDER

WA.No.186 of 2024

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**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

