

APHC010024612026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3558]

WEDNESDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 51/2026

Writ Appeal under clause 15 of the Letters Patent to allow this Writ Appeal by setting aside the order dt.07.05.2025 in WP No.12605 of 2025 and to pass

Between:

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, LAND ACQUISITION, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE SPECIAL COLLECTOR (LA), GALERU NAGARI SUJALA SRAVANTI (GNSS), KADAPA, YSR KADAPA DISTRICT.
- 3.THE SPECIAL DEPUTY COLLECTOR (LA), TGP-I, KADAPA, YSR KADAPA DISTRICT.

...APPELLANT(S)

AND

1. BODDUBOYINA GOPAL, S/O.RAMAIAH AGED 73 YEARS OCC CULTIVATION R/O VIDYA NAGAR BADVEL YSR KADAPA DISTRICT
2. BODDUBOYINA VENGAMMA, W/O RAMAIAH AGED 85 YEARS OCC HOUSEWIFE, R/O,VIDYA NAGAR, BADVEL YSR KADAPA DISTRICT
3. GOMPA SUBBAMMA, W/O VENKATAIAH AGED 65 YEARS OCC

CULTIVATION R/O KONDURU COLONY ATLOOR MANDAL Y S R
KADAPA DISTRICT

4. YERRAGALLA PITCHAMMA, W/O YERRAGALLA NAIDU AGED 55 YEARS OCC HOUSEWIFE R/O KAMALAKURU VILLAGE ATLOOR MANDAL YSR KADAPA DISTRICT
5. BODDUBOYINA SINGAMMAGARI GOPAL, S/O GOPAIAH AGED 85 YEARS OCC CULTIVATION, R/O SIVARAMKRISHNA NAGAR BADVEL YSR KADAPA DISTRICT
6. BODDUBOYINA LAKSHMAIAH DIED, REP BY HIS LEGAL REPRESENTATIVE BODDUBOYINA YANADAMMA W/O LATE BODDUBOYINA LAKSHMAIAH AGED 56 YEARS OCC HOUSEWIFE R/O VIDYA NAGAR BADVEL YSR KADAPA DISTRICT
7. EDELA LAKSHMAIAH, S/O PEDDHA KONDAIAH AGED 75 YEARS OCC CULTIVATION R/O SIVARAMKRISHNA NAGAR BADVEL YSR KADAPA DISTRICT
8. THOKA VENKATA SUBBAIAH, S/O VENICATAIAH (DIED) REP BY HIS LEGAL REPRESENTATIVE THOKA LAKSHMI DEVI, W/O THOKA VENKATA SUBBAIAH AGED 40 YEARS OCC HOUSEWIFE R/O VIDYA NAGAR BADVEL YSR KADAPA DISTRICT
9. THOKA VENKATA SUBBAIAH, S/O RAMAIAH (DIED) REP BY HIS LEGAL REPRESENTATIVE THOKA PULLAMMA W/O THOKA VENKATA SUBBAIAH AGED 66 YEARS OCC HOUSEWIFE R/O VIDYA NAGAR BADVEL, Y S R KADAPA DISTRICT
10. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, FINANCE AND PLANNING, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
11. THE EXECUTIVE ENGINEER, SOMASILA PROJECT DIVISION NO.1, ATMAKUR MANDAL, NELLORE DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2026

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

pleased to condone the delay of 226 days in filing the above Writ Appeal against the orders dated.07.05.2025 in WP No. 12605 of 2025 and pass

IA NO: 2 OF 2026

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 operation of the order dated.07.05.2025 in WP No.12605 of 2025, pending disposal of the Writ Appeal and pass

Counsel for the Appellant(S):

- 1.GP FOR LAND ACQUISITION

Counsel for the Respondent(S):

- 1.SITA RAM CHAPARLA
- 2.GP FOR IRRI AND CAD
- 3.GP FOR FINANCE PLANNING

The Court made the following:**JUDGMENT:- (Per Hon'ble Sri Justice Cheekati Manavendranath Roy)**

This intra court appeal under Clause 15 of Letters Patent is preferred against the order dated 07.05.2025 of the learned Single Judge passed in W.P.No.12605 of 2025, whereby the writ petition was disposed of with a direction to the respondents therein to give effect to the joint inspection report dated 10.01.2009 and assess the compensation to be paid in terms of what has been already assessed in respect of other claimants.

2. Heard learned Assistant Government Pleader for Revenue appearing for the appellants and Sri Sita Ram Chaparla, learned counsel for the respondents.

3. The State has acquired the private lands of the respondents for the public purpose of constructing the Somasila Project. After acquiring the said land of the respondents, compensation was also fixed for the said lands, which is payable to the respondents. But the respondents are not satisfied with the compensation that was fixed by the State. According to them, there are some structures that are available in the said land and compensation is to be fixed by assessing value of the said structures also. Therefore, earlier, as per the direction given by the erstwhile High Court of Andhra Pradesh in W.P.No.25142 of 2007, dated 27.11.2007, a joint inspection report dated 10.01.2009 was prepared and the said report was not taken into consideration while assessing the compensation. Therefore, they have filed the writ petition to declare the action of the respondents in not paying compensation for the structures available in the land as per the joint inspection report dated 10.01.2009 as illegal and to direct the respondents therein to pay compensation in terms of the said joint inspection report.

4. After hearing the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition and perusing the material available

on record, the learned Single Judge has disposed of the said writ petition by the impugned order directing the respondents therein to give effect to the joint inspection report and assess compensation within eight (08) weeks from the date of submission of the said order by the writ petitioners before the concerned authority.

5. Now, the State has preferred this appeal against the said order. According to the submission made by the learned Assistant Government Pleader for Revenue appearing for the appellants, the joint inspection report was in fact considered and thereafter compensation was assessed and if the writ petitioners are aggrieved by the said quantum of compensation, that they have to make a reference for enhancement of the compensation and the writ is not maintainable after long lapse of time of ten years. In support of his contention, he relied on the judgment of this Court rendered in W.A.Nos.334 of 2021 and 335 of 2021, dated 01.12.2021.

6. As can be seen from the impugned order, the learned Single Judge has passed the said order after hearing the learned Government Pleader for Land Acquisition. The learned Government Pleader for Land Acquisition did not make any submission before the learned Single Judge stating that the joint inspection report was in fact considered and thereafter compensation was assessed and that an award was also passed to that effect. The submissions made by him are clearly recorded in para No.4 of the impugned order by the learned Single Judge. Nowhere in the said submissions, it is stated by the learned Government Pleader that the joint inspection report was considered and thereafter compensation was fixed and award was passed. But now, it is stated that the award was passed after considering the joint inspection report. Therefore, obviously, the mistake is on the part of the learned Government Pleader, who appeared before the learned Single Judge. He did not bring it to the notice of the learned Single Judge that the joint inspection report was considered and thereafter award was passed and compensation was fixed. It

is really beyond our comprehension as to how he made submissions before the learned Single Judge contrary to the record. The learned Government Pleader ought to have taken time to seek instructions or to file a counter. But, without asking time to take instructions or to file counter, he made his submissions and based on the said submissions, the impugned order was passed by the learned Single Judge. So, strictly speaking, no exception can be taken to the order of the learned Single Judge as the learned Government Pleader did not bring it to the notice of the learned Single Judge about passing of the award after considering the joint inspection report. If he has placed the said material before the learned Single Judge, it would have been altogether a different story and an appropriate order would have been passed by the learned Single Judge on the basis of the said material. So, we seriously deprecate the performance exhibited by the learned Government Pleader before the learned Single Judge in not bringing the true facts to the notice of the learned Single Judge.

7. As the material is now placed before the Court to show that the award was already passed long back after considering the joint inspection report, in the said facts and circumstances of the case, we deem it appropriate to remand the matter to the learned Single Judge to consider the matter afresh after giving an opportunity to both the parties to make their submissions and if necessary, after giving an opportunity to the State to file counter and to place the material papers before the learned Single Judge to consider and pass appropriate orders on it. We expect the learned Government Pleader, who appeared before the learned Single Judge that he will not be so careless in representing the State in future. It is only because of his fault in placing the true facts before the learned Single Judge, the present order came to be passed.

8. Therefore, the Writ Appeal is disposed of remanding the matter to the learned Single Judge to pass orders afresh after considering the material that

may be placed by the State before the learned Single Judge relating to the alleged award said to have been passed in the present case. It is left open to both the parties to make their submissions as per the case pleaded by them before the learned Single Judge to consider and pass appropriate orders in the matter. We are making it clear that we are not expressing anything on the merits of the case and it is for the learned Single Judge to decide the matter on merits after considering the material that may be placed before it. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 01.04.2026

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 51/2026

Date: 01.04.2026

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