

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

AND

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

LAND ACQUISITION APPEAL SUIT NO: 103 OF 2024

Appeal filed under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 aggrieved by the impugned Award and Decree dated 28/10/2024 passed in L.A.O.P.No.24 of 2018 on the file of the Land Acquisition Rehabilitation and Resettlement Authority for the State of Telangana, Hyderabad.

Between:

Bommena Anantha Rao, , S/o. Bhoom Rao, Aged about 62 yrs, Occ: Agriculture, R/o. Flat No.601, Vasavi Towers, Kaman to Housing Board Colony Road, Laxmi Nagar, Karimnagar.

...Appellant/Rival Claimant No.2

AND

1. Special Deputy Collector, L.A., Unit-VII, FFC/MMR & Dr. BRA PCSSP, Rajanna Sircilla District.

...Respondent No.1/Referral Authority

2. Bommena Rajitha, W/o. Srinivas Rao, Aged: 51 years, Occ: Household, R/o. H.No. 1-14/1, Kodurupaka Village, Boinpalli Mandal, Rajanna Sircilla District.

...Respondent No.2/Claimant No.1

3. Bommena Srinivas Rao, S/o. Bhoom Rao, Aged 60 Years, Occ: Not Known, R/o. H.No. 1-15 and 1-15/1. Kodurupaka Village, Boinpalli Mandal, Rajanna Sircilla District.

4. Bommena Ananda Rao,, S/o. Bhoom Rao, Aged 58 Years, Occ. Not Known, R/o. H.No. 1-15 and 1-15/1, Kodurupaka Village, Boinpalli Mandal, Rajanna Sircilla District.

5. Bommena Kondal Rao, S/o. Bhoom Rao, Aged 64 Years, Occ: Not Known, R/o. Kodurupaka Village, Boinpalli Mandal, Rajanna Sircilla District.

6. P. Anantha Laxmi, W/o. Damodar Rao, Aged 70 Years, Occ: Household, R/o. Dharmaram Village, Konaraopet Mandal, Karimnagar District.

7. G. Laxmi, W/o. Karunakar Rao, Aged 66 Years, Occ: Household, R/o. Mustipalli Village, Sircilla Mandal, Rajanna Sircilla District.

...Respondent No.3 to 7/Claimant No.3 to 7

(Respondent No.3 to 7 are not necessary parties to this Appeal)

I.A. No. 1 of 2024

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including the release of the compensation amounts pursuant to the passing of Award and Decree dated: 28-10-2024 in LAOP No. 24 of 2018, on the file of Land Acquisition Rehabilitation and Resettlement Authority for the State of Telangana, at Hyderabad, pending disposal of the Appeal.

I.A. No. 1 of 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to delete the Respondent No. 3 (Bommena Srinivas Rao) from the array of Parties in LAAS No. 103 of 2024 pending on the file of this Hon'ble Court and so also as Claimant No. 3 in LAOP No. 24 of 2018 on the file of Land Acquisition, Rehabilitation and Resettlement Authority, for the State of Telangana at Hyderabad.

I.A. No. 2 of 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to delete the Respondent No. 4 (Bommena Ananda Rao) from the array of Parties in LAAS No. 103 of 2024 pending on the file of this Hon'ble Court and so also as Claimant No. 4 in LAOP No. 24 of 2018 on the file of Land Acquisition, Rehabilitation and Resettlement Authority, for the State of Telangana at Hyderabad.

I.A. No. 3 of 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to delete the Respondent No. 5 (Bommena Kondal Rao) from the array of Parties in LAAS No. 103 of 2024 pending on the file of this Hon'ble Court and so also as Claimant No. 5 in LAOP No. 24 of 2018 on the file of Land Acquisition, Rehabilitation and Resettlement Authority, for the State of Telangana at Hyderabad.

Counsel for the Appellant: Mrs. G JHANSI, ADVOCATE

Counsel for the Respondent No.1: AGP FOR APPEALS

Counsel for the Respondent No.2: SRI P RAMACHANDRAN, ADVOCATE

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE K. LAKSHMAN
AND
THE HON'BLE SRI JUSTICE B.R.MADHUSUDHAN RAO

L.A.A.S No.103 of 2024

Date: 29.01.2026

Between:

Bommena Anantha Rao.

...Appellant

And

Special Deputy Collector,
Land Acquisition.

...Respondent

JUDGMENT: *(Per Hon'ble Sri Justice K.Lakshman)*

Heard Mrs.G.Jhansi, learned counsel for the appellant,
learned Assistant Government Pleader for Appeals and Sri
P.Ramachandran, learned counsel for respondent No.2.

2. With the consent of the all the aforesaid counsels, this
appeal is heard and decided finally.

3. This appeal is preferred under Section 74 of the Right to
Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013 (for brevity, 'the

Act of 2013'), challenging the Award dated 28.10.2024 in L.A.O.P No.24 of 2018 passed by the Land Acquisition, Rehabilitation and Resettlement Authority for the State of Telangana at Hyderabad.

4. Notice sent to 6th respondent is returned unserved with an endorsement that parties are not available in the village and same was returned. Sending notice to 6th respondent to the address available is sufficient in terms of Section 27 of the General Clauses Act.

5. Despite service of notice, there is no representation on behalf of 7th respondent.

6. Perusal of the record would reveal that the subject property was acquired for the purpose of construction of Mid Manair Reservoir and vacant possession was taken on 18.11.2010. The Land Acquisition Officer passed award on 23.02.2016 in file No.F/224/2012.

7. Reference has been made under Section 64 r/w 76 of the Act of 2013 by the 1st respondent vide L.A.O.P.No.24 of 2018. *Vide* impugned Award, learned Land Acquisition, Rehabilitation and Resettlement Authority, disposed of the said reference holding that three sons, two daughters and wife of Bommena Srinivasa Rao (another son of Bommena Bhoomaiah) viz.,(1) Bommena Anantha Rao (2) Bommena Ananda Rao (3) Bommena Kondal Rao (4) P.Anantha Laxmi and (5) G.Laxmi and (6) Bommena Rajitha are entitled to 1/6th share in the compensation amount of Rs.10,72,786/- along with accrued interest in equal proportions. Challenging the said Award, present appeal is preferred.

8. Perusal of the record would reveal that the Reference Court impleaded respondent Nos.3 to 7 *suo moto* holding that they are also entitled for compensation. Respondent Nos.3, 4 and 5 filed I.A.Nos.1 to 3 of 2025 in the present appeal, with a request to delete their names in the said reference contending that Reference Court *suo moto* made them as parties. They are

not claiming any right and interest over the subject property Reference Court ought to have decided the disputes between the claimant No.1 and claimant No.2 without impleading other parties *suo moto*.

9. It is the specific contention of the learned counsel for the appellant that the reference Court has no power to implead any party including claimant suo moto. She placed reliance on the principle laid down by the Hon'ble Apex Court in **Ram Prakash Agarwal and another v. Gopi Krishan (dead through LRs) and others**¹. In the said judgment the Hon'ble Apex Court held as follows:

“24. The said case is required to be examined from another angle. Undoubtedly, the respondents did not make any application either under Section 18 or Section 30 of the 1894 Act to the Land Acquisition Collector. The jurisdiction of the Reference Court, vis-à-vis “persons interested” has been explained by this court in *Shyamali Das v. Illa Chowdhry* ((2006) 12 SCC 300), holding that the Reference Court does not have the jurisdiction to entertain any application of *pro interesse suo*, or in the nature thereof. The Court held as under: (SCC p.304. para 19)

“19. The Act is a complete code by itself. It provides for remedies not only to those whose lands have been acquired but also to those who claim the awarded amount or any

¹ (2013) 11 Supreme Court Cases 296

apportionment thereof. A Land Acquisition Judge derives its jurisdiction from the order of reference. It is bound thereby. His jurisdiction is to determine adequacy or otherwise of the amount of compensation paid under the award made by the Collector.”

Thus holding that: (SCC p.304, para 19)

“19....It is not within his domain to entertain any application of pro interesse suo or in the nature thereof.”

The plea of the appellant therein, stating that the title dispute be directed to be decided by the Reference Court itself, since the appellant was not a person interested in the award, was rejected by this Court, observing that the Reference Court does not have the power to entertain an application under Order 1 Rule 10 CPC.”

25. In *Ajjam Linganna v. Land Acquisition Officer*((2002) 9 SCC 426, this Court made observations to the effect that it is not open to the parties to apply directly to the Reference Court for impleadment, and to seek enhancement under Section 18 for compensation.”

10. In the light of the aforesaid submissions and also considering the principle laid down by the Hon'ble Apex Court in the aforesaid judgment, the impugned Award dated 28.10.2024 in L.A.O.P.No.24 of 2018 passed by the Land Acquisition, Rehabilitation and Resettlement Authority at Hyderabad is hereby set aside. Matter is remanded back to the said authority with a direction to decide L.A.O.P.No.24 of 2018 strictly in accordance with law.

11. Reference Court shall make endeavor to dispose of the L.A.O.P.No.24 of 2018 within a period of three months from the date of receipt of a copy of this order. However, both the appellant/claimant No.2 and 2nd respondent/claimant No.1 shall appear before the Reference Court on 09.02.2026 and cooperate with the Reference Court in disposal of the said appeal.

12. Accordingly, Appeal is disposed of. Miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SD/- M. MANJULA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Land Acquisition Rehabilitation and Resettlement Authority for the State of Telangana, Hyderabad.
2. Two CCs to GP for Appeals, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to Mrs. G Jhansi, Advocate [OPUC]
4. One CC to Sri P Ramachandran, Advocate [OPUC]
5. Two CD Copies

ABK

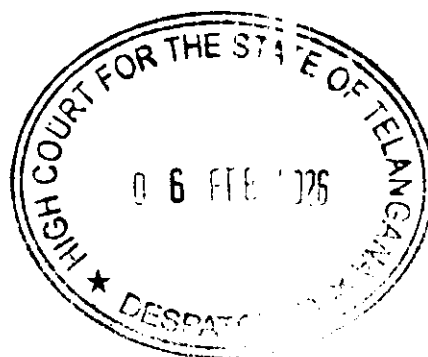
JRS

HIGH COURT

DATED: 29/01/2026

JUDGMENT

LAAS.No.103 of 2024



DISPOSING OF THE APPEAL

(8) - JKS
5/2/26