



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE TWENTY SIXTH DAY OF NOVEMBER  
TWO THOUSAND AND NINETEEN

**PRESENT**

**THE HONOURABLE SRI JUSTICE M.VENKATA RAMANA**  
**CIVIL REVISION PETITION NO: 453 OF 2015**

**Between:**

1. PINNINTI ANJANI DEVI & 6 OTHERS W/o Anjan yulti, aged about 46 years,
2. Pinninti Prakasarao S/o Kotaiah, aged about 68 years,
3. Gogineni Vijayualakshmi W/o Nageswasra Rao, aged about 50 years,
4. Pinninti Anjaneyulu S/o Subba Rao, aged about 48 years,
5. Pavuluri Ramachandra Rao S/o Lakshminarayana, aged about 60 years,
6. Kommalapati Ramanatham S/o Rangaiah, aged about 70 years,
7. Bellam Basavaiah S/o Chenchaiyah, aged about 72 years,  
All are R/o Kandlagurita, Ommevaram, Pamidipaldu and Uppugunduru village, Naguluppapadu Mandal, Prakasam District.

**...PETITIONER(S)**

**AND:**

1. THE SPECIAL DEPUTY COLLECTOR & 11 OTHERS (LAO) (KOR)  
Gundlakanuna Reservoir Project, Ongole, Prakasam District.
8. Uppugunduri Vasu S/o Venu,
9. Uppugunduru Laksluninarayana S/o Yellamanda, aged about 53 years,
10. Uppugunduru Prasada Rao S/o Yellamanda, aged about 48 years,
11. Uppugunduru Sanjeeva Rao S/o Thirupalu, aged about 38 years,
12. Uppugunduru Brahmaiah S/o Venkateswarlu, aged about 53 years,
13. Uppugunduru Venkata Subba Rao S/o Venkateswarlu, aged about 33 years,
14. UppugunduruSrinivasa Rao S/o Aadisheshaiah, aged about 63 years,
15. Uppugunduru Kotaiah S/o Yellamanda, aged about 62 years,
16. UppugunduruNagendram W/o nageswara Rao, aged about 63 years,  
R/o Throvagunta village, Prakasam District.
17. Konijeti Aruna W/o Srinivasa Rao, aged about 28 years,
18. Uppugunduru Srinivasa Rao S/o Subrahmanyam, aged about 33 years,  
R/o Chinaganjarn village, Prakasam District.  
R3 to R9 and R11 all are R/o Uppugunduru village, Naguluppapadu Mandal,  
Prakasam District.  
(R-1 and R-2 not necessary in this CRP)

**...RESPONDENTS**

**Counsel for the Petitioner(s): M SUDHIR KUMAR**

**Counsel for the Respondents: P NARAHARI BABU**

**The Court made the following: ORDER**



**HON'BLE SRI JUSTICE M. VENKATA RAMANA**

**CIVIL REVISION PETITION No.453 OF 2015**

**ORDER:**

This Civil Revision Petition is directed against order of the Court of learned Principal Senior Civil Judge, Ongole, in I.A.No.1559 of 2011 in L.A.O.P.No.3 of 2010, dated 24.10.2014.

2. The petitioners are the claimants-cum-respondents in L.A.O.P.No.3 of 2010. Respondents 2 to 12 are the third parties to the above proceedings. They filed a petition under Order 1 Rule 10 CPC in I.A.No.1559 of 2011 in L.A.O.P.No.3 of 2010 to implead them as party respondents.

3. L.A.O.P.No.3 of 2010 has arisen out of a reference under Section 30 of Land Acquisition Act to the Court of learned Principal Senior Civil Judge, Ongole. The referring authority is the first respondent herein.

4. The contention of respondents 2 to 12 is that the lands in Sy.No.355/2, 357 and 360 of Uppugundururu village have been acquired by the first respondent for the purpose of Pulasubbaiah Velugonda Project, following appropriate procedure. They further contended that they got issued a legal notice to the first respondent on 28.12.2007 when a publication in newspaper was taken out on 18.07.2007 of proposed acquisition of these lands, showing the petitioners herein as the pattadars, stating that the petitioners herein did not have any right to these lands and questioning their right and interest to claim compensation in respect thereof. A reference is also made by the petitioners as to entries in the revenue records and that they raised objections before the first respondent as well as in the Land Acquisition at Ongole, on account of which the compensation payable to the petitioners herein was deposited in the Court. Questioning right, title and interest claimed by the petitioners herein and that they alone have right and interest to the lands proposed for



acquisition, these third parties requested their addition as party claimants/respondents to L.A.O.P.No.3 of 2010.

5. The petitioners herein resisted their claim setting out that their predecessors were purchasers of these lands from the original owners under valid sale deeds and they asserted that they have right, title and interest to these lands. They further contended that these third parties, who sought to implead, have no right to make any claim in respect of these lands and that these parties filed a number of petitions against the Government earlier, who are intending to knock away the amount payable under the land acquisition proceedings. Thus, questioning their right to implead as party respondents to the proceedings, the petitioners herein stated that they cannot be brought on record.

6. Considering these contentions, referring Court passed the impugned order permitting addition of these third parties as respondents to the main petition.

7. Sri M.Sudheer Kumar, learned counsel for the petitioners contended that the order under revision suffers from a serious irregularity amounting to illegality and is perverse, since the lower Court did not understand the scope of proceedings upon a reference under Land Acquisition Act and allowing third parties to enter upon the proceedings, is bad. Thus, it is stated that the order requires to be interfered with since the reference Court has no authority to invoke Order 1 Rule 10 CPC.

8. Learned Counsel for the respondents Sri P.Narahari Babu, Sri M.K.Raj Kumar and Sri Venkateswarlu Dada, supported the order under revision on the ground that the proposed parties, who are directed to be impleaded, are the absolute owners of the lands proposed to be acquired, whose right has been recognized by the revenue authorities by making necessary entries in the concerned records. It is further contended that taking advantage of the reference to the civil Court, the petitioners herein have



been attempting to unjustly draw the compensation amount, who did not have any right or interest to these lands.

9. Now, the point for determination is: - “Whether addition of respondents 2 to 12 under Order 1 Rule 10 CPC is proper, in a reference proceedings?

10. The reference Court mainly relied on the ruling of then composite High Court of Andhra Pradesh at Hyderabad in **REPAKA BHYRAVAMURTHY AND ANOTHER v. MUPPIDI VENKATA RAJU AND OTHERS<sup>1</sup>**, where it was held that a question touching upon the issue of entitlement for compensation can be considered by reason of application under Order 1 Rule 10 CPC. This ruling was preferred than the decision relied on for the petitioners herein in **MATHAVALLI OF SHA MADHARI DIWAR WAKF S.J.SYED ZEKRUDEEN AND ANOTHER v. SYED INDASHA AND OTHERS<sup>2</sup>**. Observing that Syed Zekrudeen’s case referred to above relates to a reference under Section 18 of Land Acquisition Act, the distinction was so drawn by the court below.

11. The jurisdiction of a reference Court is limited. In the sense, it acquires such jurisdiction by virtue of reference by the Land Acquisition Officer in terms of various provisions of Land Acquisition Act.

12. A reference under Section 30 of Land Acquisition Act relates to determination of entitlement for compensation and the Land Acquisition Officer, makes a reference to the civil Court, when there are distinct claims made by different parties making conflicting claims. When jurisdiction is so confined to a limited sphere, the reference Court must be conscious of the same, particularly, in considering a petition under Order 1 Rule 10 CPC.

13. In this context on behalf of the petitioners, **RAM PRAKASH AGARWAL AND ANOTHER v. GOPI KRISHAN(DIED THROUGH Lrs) AND**

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<sup>1</sup> AIR 2002 AP 77 (FB)

<sup>2</sup> 2009(3) ALT 33 (SC)



**OTHERS**<sup>3</sup> is relied on. In para 24 of this ruling in this context, it is observed as under:

“24..... The jurisdiction of the Reference Court, vis-à-vis “persons interested” has been explained by this Court in *Shyamali Das v. Illa Chowdhry*<sup>4</sup>, holding 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 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:

“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 enter into an application under Order 1 Rule 10 CPC.”

14. It is further observed in the same context referring to earlier rulings in paras 25 and 27.

“25.In *Ajjam Linganna v. Land Acquisition Officer*<sup>5</sup> 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.

26. In *Prayag Upnivesh Awas Evam Nirman Sahkari Samiti Ltd. V. Allahabad Vikas Pradhikaran*<sup>6</sup>, this Court held as under: (SCC p.565, para 7)

“7. It is well established that the Reference Court gets jurisdiction only if the matter is referred to it under Section 18 or Section 30 of the Act by the Land Acquisition Officer and that the civil court has got the jurisdiction and authority only to decide the objections referred to it. The Reference Court cannot widen the scope of its jurisdiction or decide matters which are not referred to it.”

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<sup>3</sup> (2013) 11 SCC 296

<sup>4</sup> (2006) 12 SCC 300: AIR 2007 SC 215

<sup>5</sup> (2002) 9 SCC 426

<sup>6</sup> (2003) 5 SCC 561



While deciding the said case, the Court placed reliance on the judgments in *Parmatha Nath Mullick v. Secy. Of State for India in Council*<sup>7</sup> and *Mohd.Hasnuddin v. State of Maharashtra*<sup>8</sup>. (see also *Kothamasu Kanakarathamma v. State of A.P.*)

27. It is evident from the above, that a person who has not made an application before the Land Acquisition Collector, for making a reference under Section 18 or 30 of the 1894 Act, cannot get himself impleaded directly before the Reference Court.”

15. In para 28.5 in the same context, it is further observed as under:

“A person aggrieved may maintain an application before the Land Acquisition Collector for reference under Section 18 or 30 of the 1894 Act, but cannot make an application for impleadment or apportionment before the Reference Court.”

16. In the light of these observations, the reference Court cannot directly entertain a petition under Order 1 Rule 10 CPC. No other authority has been brought to the notice of this Court in this context on behalf of the respondents in support of their contention. Therefore, in the light of enunciation of law by Hon’ble Supreme Court in this regard, the order under revision has to be interfered with, holding that it is not proper.

17. In the result, the Civil Revision Petition is allowed. Consequently, the order of the Court of learned Principal Senior Civil Judge, Ongole, in I.A.No.1559 of 2011 in L.A.O.P.No.3 of 2010 dated 24.10.2014 is set aside. No costs. Interim orders pending stand vacated. Pending petitions, stand closed.

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**M. VENKATA RAMANA, J**

**Dt:26.11.2019**

Rns

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<sup>7</sup> (1929-30) 57 IA 100 : (1930) 31 LW 431 : AIR 1930 PC 64

<sup>8</sup> (1979) 2 SCC 572 : AIR 1979 SC 404



**HON'BLE SRI JUSTICE M. VENKATA RAMANA**

**CIVIL REVISION PETITION No.453 OF 2015**

**Date:26.11.2019**

Rns

