



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

[3529]

WEDNESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT APPEAL NO: 1381/2025

Writ Appeal under clause 15 of the Letters Patent above named Appellants present this Memorandum of Writ Appeal against aggrieved by the order, dated 14.10.2025 made in W.P.No.20569 of 2024 passed by the learned single judge for the following among and other

Between:

1.K MURALIDHAR REDDY, S/O K. R. REDDY, AGED ABOUT 67 YEARS. ADVOCATE AND R/O. 88, SRT, MUNICIPAL COLONY, MALAKPET, AT PRESENT RESIDING AT FLAT NO. 806. TOWER NO. 6, EIPL CORNERSTONE, PUPPALAGUDA, HYDERABAD, TELANGANA STATE.

...APPELLANT

AND

1.N SUBHASHINI REDDY, W/O RAVINDAR REDDY, AGED ABOUT 79 YEARS, R/O FLAT NO. 101, SAI VIHAR APARTMENT, OPP. HERITAGE FRESH, NEAR MASAB TANK FLY OVER, VIJAY NAGAR COLONY, HYDERABAD, STATE OF TELANGANA.

2.SMT G USHA REDDY, W/O KRISHNA REDDY, AGED ABOUT 60 YEARS, R/O.D.N0.25-1C-466, FLAT NO.302, 4TH FLOOR, G.S.TOWERS, VEDAYAPALEM, NELLORE, SPSR NELLORE DISTRICT. 3.

3.SMT KRISHNA KUMARI, W/O SUBBA REDDY, AGED ABOUT 77 YEARS, R/O MEHADIPATNAM, HYDERABAD, TELANGANA STATE,

REP. BY HER GPA HOLDER, GODALA PRATHYUSH REDDY, R/O FLAT NO. 503, PARK STONE ENCLAVE, SAPPHIRE BLOCK, INDIRA NAGAR, ISCON CITY, KONDAYAPALEM, NELLORE, SPSR NELLORE DISTRICT. (PETITIONERS NO. 1 TO 4.

4. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI. SECRETARY REVENUE DEPARTMENT LAND ACQUISITION, AP SECRETARIAT, AMARAVATI, GUNTUR DISTRICT. (R1) 5.
5. THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT, NELLORE. (R2)
6. THE LAND ACQUISITION OFFICER AND REVENUE DIVISIONAL OFFICER, NELLORE, SPSR NELLORE DISTRICT. (R3) 7.
7. THE COMMISSIONER, DIRECTOR OF MUNICIPAL ADMINISTRATION, GOVERNMENT OF ANDHRA PRADESH, GUNTUR. (R4) 8.
8. THE DIRECTOR OF COUNTRY AND TOWN PLANNING, GOVERNMENT OF ANDHRA PRADESH, GUNTUR. (R5) 9.
9. THE NELLORE MUNICIPAL CORPORATION, NELLORE, SPSR NELLORE DISTRICT, REP. BY ITS COMMISSIONER. (R

...RESPONDENT(S):

IA NO: 1 OF 2025

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 e pleased to PERMIT the Appellants herein to file Additional material i.e.. Copy of i) the District Gazette, Nellore dated: 05.10.1995, ii) regd. Exchange deed of the 2ND appellant dated 31.01.2013along with the English Translation, iii) cancellation of allotment order in GO Ms No. 140 of 2016 dated: 02.06.2016, iv) the Lok - Adalat Award made in favour of 2nd appellant dated: 10.07.2021, v) cancellation of regd. Exchange deeds dated: 20.11.2021 along with English Translation, vi) Dismiss for default order passed in partition suit in OS No. 140 of 2013 dated: 21.07.2025, vii) Preliminary Notification issued by the District Collector, Nellore dated: 30.06.2023, viii) Final Notification issued by the District Collector, Nellore dated: 11.09.2023, ix) Award passed by the LAO dated:21.08.2025, x) Copy of GPA of the 3RD appellant and bring the

same on record and consider the same while adjudicating the above Writ Appeal or to pass

IA NO: 2 OF 2025

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 suspend the impugned order dated 14.10.2025 made in WP No. 20569 of 2024, pending disposal of the writ appeal and to pass

Counsel for the Appellant:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP FOR LAND ACQUISITION

2. A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

3. C SUBODH

4. GP MUNCIPAL ADMN AND URBAN DEV AP

Date of Reserved : 05.01.2026

Date of Pronouncement : 07.01.2026

Date of Upload : 07.01.2026

The Court made the following Judgment:

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Sri N. Subbarao, learned Senior Counsel appearing for Sri Sivaprasad Reddy Venati, learned counsel for the appellants; Sri O. Manohar Reddy, learned Senior Counsel appearing for Sri C. Subodh, learned counsel appearing for respondents 1 to 3 and the learned Government Pleader for Land Acquisition appearing for the official respondents.

2. One late Sri K. Radha Krishna Reddy was the owner of about 317 Ankanams of land situated at C.A.S. No.214 of Venkatrampuram, Nellore Town. He passed away leaving behind his three sons and three daughters. It appears that the three sons sold away about 100 Ankanams of land, by way of registered deed of sale in the year 1993. Thereafter, the remaining land, admeasuring about 217 Ankanams was sought to be acquired, for construction of an under-bridge beneath a railway gate. The Nellore Municipality (subsequently Municipal Corporation) issued a notification on 05.04.1994, calling upon the legal heirs of late Sri Radha Krishna Reddy to appear before the Municipal Commissioner for negotiations. At that stage, the three sons of late Sri K. Radha Krishna Reddy are said to have proposed an exchange of land instead of monetary compensation. A Negotiation Committee considered this offer and initially proposed allotment of Ac.2.36 cents of land in lieu of the 217 Ankanams of land sought to be taken over by the Municipality. After further consideration, the extent of land was reduced to

Ac.1.76 cents, situated at three different places. This proposal was accepted by the Municipal Council by its resolution, dated 21.07.1996. However, this proposal was rejected by the Government when it was sent for approval and the Government, by way of G.O.Rt.No.802, dated 08.10.1997, modified the proposal reducing the extent of land to Ac.1.06 cents. Being aggrieved by this reduction, one of the sons of late Sri K. Radha Krishna Reddy moved W.P.No.35515 of 1997 before the erstwhile High Court of Andhra Pradesh. During the pendency of this Writ Petition, the three daughters of late Sri K. Radha Krishna Reddy impleaded themselves in the Writ Petition, contending that they also had a claim over the property. A learned Single of the erstwhile High Court of Andhra Pradesh, by an order, dated 25.10.2002, had allowed the Writ Petition, setting aside G.O.Rt.No.802, with a further direction to the Government to reconsider the request and to send it back to the Municipal Council, if any modification is required. W.A.Nos.1052 and 1049 of 2004 filed against this order came to be dismissed.

3. Thereafter, the three sons of late Sri K. Radha Krishna Reddy approached the Nellore Municipality stating that the land, that was proposed to be taken over, had been partitioned between the three sons of late Sri K. Radha Krishna Reddy and that an alternative land should be given to them. The Municipal Council, on the basis of this representation and on the ground that there was an oral partition between the three sons of late Sri K. Radha Krishna Reddy, which came to be reduced to writing, by way of a document,

dated 24.08.1992, had decided to execute three separate deeds of exchange. The said deeds of exchange were executed in the year 2013.

4. At that stage, the daughters of late Sri K. Radha Krishna Reddy filed O.S.No.140 of 2013 before the District Judge, Nellore. The prayer in the said suit was to direct the three sons of late Sri K. Radha Krishna Reddy (defendants 1 to 3 therein) to partition the suit schedule A, B & C items of property allotted by the Municipality under the exchange deeds into six equal shares and to put the three daughters in possession, of two shares, by passing a preliminary decree. This suit came to be dismissed for default.

5. In a parallel proceeding, the Nellore Municipal Corporation took a decision to cancel the deeds of exchange and also filed three suits on 09.02.2016 for such cancellation and it appears that two of these suits were decreed. The Nellore Municipal Corporation had taken up cancellation proceedings on the basis of G.O.Ms.No.140, dated 02.06.2016. Aggrieved by this Government Order, the three sons of Sri K. Radha Krishna Reddy had filed four separate Writ Petitions, bearing W.P.Nos.36710 of 2016, 43813 of 2017, 12885 of 2018 & 46011 of 2018. A learned Single judge of this Court, by Judgment, dated 04.03.2021, had disposed of the said Writ Petitions directing the respondents, namely the Nellore Municipal Corporation and other respondents therein, to acquire the original land held by late Sri K. Radha Krishna Reddy, by way of acquisition proceedings under Act 30 of 2013. It

would have to be noted that the three daughters of late Sri K. Radha Krishna Reddy were not party to the said Writ Petitions.

6. Pursuant to these directions, acquisition proceedings were initiated under Act 30 of 2013. In this process, notices under Section 21(1) of Act 30 of 2013, dated 06.11.2023, were issued calling upon interested persons to give their claim for compensation, rehabilitation and resettlement. At that stage, two of the daughters of late Sri K. Radha Krishna Reddy approached this Court, by way of W.P.No.31316 of 2023, contending that they had not been issued notices under Section 21 (1) and they were entitled to be heard in the matter. A learned Single Judge of this Court, after hearing the petitioners as well as the sons of late Sri K. Radha Krishna Reddy, had disposed of the Writ Petition, by an order, dated 03.04.2024. The direction of the learned Single Judge, in this case, was that the Acquisition Officer would pass appropriate proceedings strictly in accordance with law by considering the material before the Officer including the claims of the petitioners and by affording an opportunity of hearing to the petitioners as well as to respondents 7 to 10 therein. The said respondents 7 to 10 were the three sons of late Sri K. Radha Krishna Reddy and the third daughter, who had been impleaded as a respondent.

7. Pursuant to this order, the Land Acquisition Officer, after hearing all the necessary parties, had passed an order, dated 30.08.2024. In this order, the Land Acquisition Officer took the view that the daughters of late Sri

K. Radha Krishna Reddy had raised belated claims and that they had never participated in any of the proceedings before the Authorities while the acquisition of this land was going on. The Acquisition Officer also took the view that the daughters of late Sri K. Radha Krishna Reddy, not having challenged the exchange deeds, cannot raise any claim over the property. On that basis, the Acquisition Officer rejected the claims of the daughters of late Sri K. Radha Krishna Reddy.

8. Aggrieved by this order, dated 30.08.2024, the three daughters of Sri K. Radha Krishna Reddy moved this Court, by way of W.P.No.20569 of 2024. A learned Single Judge of this Court, after hearing all the concerned parties, including the sons and daughters of late Sri K. Radha Krishna Reddy, had allowed the Writ Petition, by an order, dated 14.10.2025. In this order, the order of the Acquisition Officer, dated 30.08.2024 came to be set aside, with a further direction to the Acquisition Officer to refer the matter to the Competent Authority, under Sections 64 or 76 of Act 30 of 2013.

9. Aggrieved by this Judgment of the learned Single Judge, the three sons of late Sri K. Radha Krishna Reddy, who are arrayed as respondents 7 to 9 in the Writ Petition, have approached this Court, by way of the present Writ Appeal.

10. Sri N. Subbarao, learned Senior Counsel appearing for the appellants, primarily contended that the learned Single Judge, in the course of

considering the contentions raised by both sides, had given findings of fact, wherein the claims of the daughters of late Sri K. Radha Krishna Reddy were accepted, and such findings would vitiate any further hearing in the matter under Act 30 of 2013. The learned Senior Counsel would also contend that Section 76 of Act 30 of 2013 would not be applicable and it would only be Section 64 of Act 30 of 2013, which would be applicable, even if such a situation were to arise. The learned Senior Counsel would also contend that the finding of the learned Single Judge that the 3rd respondent-Acquisition Officer, did not have any jurisdiction, would not be correct, inasmuch as the 3rd respondent-Acquisition Officer had conducted an enquiry on the basis of the directions issued by the learned Single Judge in the earlier round of litigation, in W.P.No.31316 of 2023.

11. Sri O. Manohar Reddy, learned Senior Counsel appearing for the three daughters of late Sri K. Radha Krishna Reddy, who are arrayed as respondents 1 to 3 herein, contends that the order of the Acquisition Officer is clearly beyond jurisdiction inasmuch as the direction of the learned Single Judge was only to consider the claims. The learned Senior Counsel would further contend that once disputed questions of fact on the right and title over the land had been raised, the only option left to the Acquisition Officer was to refer the matter to the Competent Authority constituted under Section 52 of the Act. The learned Senior Counsel would also rely upon Section 64 as well as Section 76 of Act 30 of 2013, apart from Section 63 of the Act to contend

that it is only the Competent Authority, who would have jurisdiction to go into the question of title.

12. Sri O. Manohar Reddy, the learned Senior Counsel would contend that the three daughters of late Sri K. Radha Krishna Reddy had been raising their claim, that they are entitled to a share in the property of late Sri K. Radha Krishna Reddy, from 1997 itself. He would submit that the alleged oral partition as well as the deed of partition, dated 24.08.1982 have been created solely for the purpose of denying the daughters their share in the estate of their father. The learned Senior Counsel would also submit that O.S.No.140 of 2013 had been filed solely for the purpose of getting a share in the land which had been allotted to the three sons of late Sri K. Radha Krishna Reddy, in lieu of the land taken over for construction of the under-bridge. As the said allotment of land had been cancelled, no further purpose was served in continuing O.S.No.140 of 2013 and the same was allowed to lapse.

13. A perusal of the above facts makes it clear that the daughters of late Sri K. Radha Krishna Reddy had been agitating for their rights and claim in the estate of their late father. The contention that they had kept silent throughout the proceedings is belied by the fact that they impleaded themselves in the Writ Petition filed in the year 1997 and also by filing O.S.No.140 of 2013.

14. The learned Single Judge, while disposing of W.P.No.31316 of 2023 had directed the Acquisition Officer to consider the claims of the daughters of late Sri K. Radha Krishna Reddy. Pursuant to this direction, the Acquisition Officer has passed the order impugned in W.P.No.20569 of 2024. However, a closer look at the said order is necessary. The learned Single Judge had held as follows:

“8. Since the proceedings are at the stage of award enquiry, this writ petition is disposed of, without going into other aspects of the matter, directing respondent No.3 to pass appropriate proceedings strictly in accordance with law by considering the material before the Officer including petitioners' claim and by affording an opportunity of hearing to the petitioners and respondent Nos.7 to 10. No costs.”

15. The aforesaid order required the Acquisition Officer to consider the material placed before him including the claim of the daughters and to pass appropriate proceedings strictly in accordance with law. In the present case, the law would be the provisions of Act 30 of 2013. Section 64 and 76 of Act 30 of 2013 are relevant and are as follows:

“64. Reference to Authority.–

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation,

the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

...

76. Dispute as to apportionment.–

When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.”

16. Section 64 mandates that any dispute as to the right and claim over the land, apart from other disputes, would have to be referred to the Competent Authority set out under Section 52 of Act 30 of 2013. It would also be necessary to notice Section 63 of Act 30 of 2013. This provision expressly bars all other Courts, except the High Courts and the Hon'ble Supreme Court, in deciding the claims of any person over the land and vests that function solely with the Competent Authority. The Acquisition Officer, having found that there are contested claims over the property should have referred the dispute to the Competent Authority. Instead, the Acquisition Officer misunderstood the direction of the learned Single Judge and went on to decide the claims and rights of the daughters of late Sri K. Radha Krishna Reddy over the said property. This was clearly impermissible and was beyond his jurisdiction.

17. The learned Single Judge, having considered this aspect, had held that the Acquisition Officer could not have decided these issues and should have referred them to the Competent Authority.

18. The daughters of late Sri K. Radha Krishna Reddy have not been included in the award proceedings, determining compensation. Further, the daughters have also refused the said award as their claim for a share in the compensation was not considered. This squarely brings them within the provisions of Section 64 of Act 30 of 2013.

19. Sri N. Subbarao, learned Senior Counsel appearing for the appellants, who are the sons of late Sri K. Radha Krishna Reddy, would also contend that the learned Single Judge has given findings of fact which would affectively preclude any realistic consideration of the claims of the appellants.

20. In the circumstances, this Writ Appeal is disposed of, with the following directions:

- 1) The order of the learned Single Judge is affirmed, subject to the following modifications.
- 2) The 6th respondent-Acquisition Officer, in view of his finding that a dispute over the title of the property has to be decided, shall refer the matter for the consideration and decision of the Competent Authority under Section 64 of Act 30 of 2013.
- 3) The Competent Authority, after giving an opportunity of hearing to both the sons and the daughters of late Sri K. Radha Krishna Reddy, shall pass orders, strictly in terms of Act 30 of 2013.

4) The Competent Authority shall not be bound or influenced by any observation made by the learned Single Judge in W.P.No.20569 of 2024 or by this Court, in the present Writ Appeal.

There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J

T.C.D. SEKHAR, J

Date: 07.01.2026
MJA

THE HON'BLE SRI JUSTICE R RAGHUNANDAN RAO

AND

THE HON'BLE SRI JUSTICE T.C.D. SEKHAR

WRIT APPEAL NO: 1381/2025

(per Hon'ble Sri Justice R. Raghunandan Rao)

07.01.2026

MJA