

HIGH COURT OF ANDHRA PRADESH

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**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BL SRI JUSTICE MAHESWARA RAO KUNCHEAM**

APPEAL SUIT Nos. 288 & 317 of 2013

Between:

Vempalli Khasim Saheb

.....APPELLANT
in AS No.288 of 2013

Gundluru Peeramma

.....APPELLANT
in AS No.317 of 2013

AND

The Government of Andhra Pradesh,
Rep. by its District Collector, Kadapa
And another

.....RESPONDENTS
(in both ASs)

DATE OF JUDGMENT RESERVED : 22.01.2026

DATE OF JUDGMENT PRONOUNCED: 28.04.2026

DATE OF JUDGMENT UPLOADED : 28.04.2026

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

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|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

MAHESWARA RAO KUNCHEAM, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
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! Counsel for the Appellants : Sri Dharanai Kumar B

Counsel for the Respondents : Sri T. Vishnu Teja

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> Head Note:

? Cases Referred:

1. (2025) 7 SCC 580
2. 2006 (2) ALT 742
3. 2004 (2) ALD 451 (LB)

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
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APPEAL SUIT Nos. 288 & 317 of 2013

COMMON JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri Dharanai Kumar B, learned counsel for the appellants and Sri T. Vishnu Teja, learned counsel for the respondents.

2. The appellants in both the appeals are the plaintiffs, namely, Vempalkli Khasim Saheb & Gundluru Peeramma. Their respective suits O.S.Nos.14 and 47 of 2010 against the same set of defendants, the Government of Andhra Pradesh through its District Collector, Kadapa and the Revenue Divisional Officer, Kadapa have been dismissed by the common judgment and decree dated 09.11.2012 by the learned Court of 1st Additional District Judge, Kadapa.

3. In O.S.No.14 of 2010 its plaintiffs' predecessors were allotted/issued DKT Patta No.15/1411 dated 16.02.2002 by the Mandal Revenue Officer, C.K.Dinne of the plaint schedule land in Sy.No.846/1. Similarly, in O.S.No.47 of 2010 its plaintiffs' predecessors was also granted DKT Patta No.16/1411 dated 16.02.2002 by the Mandal Revenue Officer for the plaint schedule land in Sy.No.846/2. It was the plaintiffs' case that they were cultivating the lands and developed it and irrigated through a bore-well at Sy.No.846/2. They succeeded from their respective predecessors, the original assignees and also obtained pattadar passbook and were in continuous possession and enjoyment of the plaint schedule land. The Mandal Revenue Officer cancelled the assignment of

pattas and issued orders of resumption of land vide Ref.No.B/108/2002, dated 30.06.2004 to provide housing site pattas to the weaker sections. The plaintiffs filed appeal against the Resumption Order dated 30.06.2004 before the Joint Collector (RDO). The plaintiffs filed W.P.No.9989 of 2007, in which the Order to maintain *status quo* was passed on 09.05.2007. Thereafter, finally, the Joint Collector upheld the plea of the plaintiffs and modified the resumption orders of the Mandal Revenue Officer and directed to resume the land subject to payment of *ex gratia* i.e., the market value payable under Section 23 (1) of the Land Acquisition Act (in short 'LA Act') with 30% solatium on the market value and future interest. The modified Order of resumption was also challenged in W.P.No.1409 of 2008, in which the order of the Joint Collector was upheld vide judgment dated 24.01.2008 with the clarification that the assignees were entitled to claim compensation as per the provisions of the LA Act, i.e., the compensation along with solatium and additional compensation and interest besides *ex gratia* payable in terms of G.O.Ms.No.1307, Revenue (Assign-I) Department, dated 23.12.1993. The plaintiffs, again raising the grievance that the compensation was not granted in terms of the Order passed in W.P.No.1409 of 2008, filed another W.P.No.8009 of 2008, which was dismissed by this Court vide Judgment dated 21.07.2009, however, observing that in case of any grievance, the plaintiffs have to pursue appropriate remedies before the competent Court of Civil jurisdiction as to re-compensation. Thereafter, the plaintiffs filed the respective aforesaid two suits.

4. The plaintiffs' case was that the market value of the suit land fixed by the 2nd defendant in the suit, the Revenue Divisional Officer, Kadapa was very low and it is against the spirit of G.O.Ms.Nos.1307 and 1391. Their case was that the suit lands were situated in urban area having more open market value than the amount fixed by the 2nd defendant. The value of the adjacent lands nearby the suit lands was said to be Rs.300/- per square yard as per the basic value registered entries, so, the plaintiffs claimed compensation in respect of the suit lands at the rate of Rs.600/- per square yard and accordingly prayed for grant of decree in their favour.

5. The defendants in the suit/respondents 1 and 2 herein filed written statement. Their plea was that the reasonable amount had already been paid to the plaintiffs in terms of G.O.Ms.No.1307, dated 23.12.1993. The plaintiffs' W.P.No.8009 of 2008 had already been dismissed by the High Court of Andhra Pradesh, however, with liberty to pursue the remedies before the Civil Court.. They further pleaded that the registered sale deed as set up by the plaintiffs related to the house sites and was not relating to the private patta lands. So, the same could not be considered for determination of the market value and there was no justification for payment of the compensation at the rate as prayed for in the suit. They also raised the plea that in respect of the other lands, in the same locality and in vicinity an Award No.22 of 2007-2008, dated 05.11.2007 was passed fixing the market value at Rs.1,20,000/- per acre. So, the suit schedule land, which was a DKT patta land, being situated near the land acquired for the ring road, the Joint Collector sanctioned *ex gratia* fixing

the market value at Rs.1,50,000/- per acre, besides 30% solatium and valued it in terms of G.O.Ms.No.1307, dated 23.12.1993 and granted total compensation in terms thereof, but thereafter, in terms of the directions of the High Court of Andhra Pradesh in W.P.No.1409 of 2008, the Joint Collector ordered to pay 12% additional market value and 9% interest and also 15% additional interest from the date of taking possession i.e., 28.01.2008 and 10.03.2008 respectively and the W.P.No.8009 of 2008 filed against the said Order was dismissed. Therefore, there was neither any cause of action nor the occasion for the relief claimed in the suit for more compensation which was not justified and the suits deserved to be dismissed.

6. The learned 1st Additional District Judge, Kadapa framed the following issues in O.S.No.14 of 2010:

- “(1) Whether the compensation for the land acquired was fixed as per the direction in W.P.No.1409 of 2008, dated 24.01.2008 to the plaintiff?
- (2) Whether the plaintiff is entitled for compensation at the rate of Rs.600/- per square yard and Rs.43,56,000/-?
- (3)To what relief?”

7. In O.S.No.47 of 2010, the following issues were framed to the same nature as in O.S.No.14 of 2010.

- “(1) Whether the compensation for the land acquired was fixed as per the direction in W.P.No.1409 of 2008, dated 24.01.2008 to the plaintiff?
- (2) Whether the plaintiff is entitled for compensation at the rate of Rs.600/- per square yard and Rs.51,98,160/-?
- (3)To what relief?”

8. Both the suits were clubbed for joint trial in which the plaintiffs-V. Khasim Sab and S. Hamayum Masthan were examined as PWs 1 and 2 and

documents Exs.A1 to A12, viz., Ex.A1-Market Value Assistance Certificate issued by Sub Registrar, Kadapa Dt.21.08.2009; Ex.A2-Original copy in WP No.1049/2008 on the file of Hon'ble High Court of Andhra Pradesh; Ex.A3-Certified copy of Public Copy sale deed dated 28.02.2007 D.No.2180/2007; Ex.A4-Valuation Certificate; Ex.A5-Registration copy of sale deed Dt.21.2.2011; Ex.A6-Registration copy of sale deed Dt.18.5.2011; Ex.A7-Title deed No.372418, Patta No.1174; Ex.A8-Title deed No.105685, Patta No.974; Ex.A9-R.G.B.Agrl Card issued by Rayalaseema Grameena Bank, Kadapa issued in the name of V. Khasim Sab; Ex.A10-Registration Copy of G.P.A. executed by G.Peeramma in favour of V.Khasim Sahab; Ex.A11-Xerox copy of Proceedings of Joint Collector Vide D.Dis.No.(E2)3276/2007, Dt.24.11.2007; and Ex.A12-Attested copy of Market Value guidelines, were marked.

9. The defendants examined N. Ravi Sankara Reddy, Tahsildar as DW 1 and marked Exs.B1 to B5, viz., Ex.B1-Attested copy of Inspection Report of the Revenue Divisional Officer, Kadapa Dt.5.12.2007; Ex.B2-Attested Officer copy of notice issued by the R.D.O to the plaintiff Dt.10.03.2008; Ex.B3-Attested Office Copy of Ex-gratia in statement; Ex.B4-Xerox copy of G.O.Ms.No.1307, Dt.23.12.1993; and Ex.B5-Attested copy of letter in Ref.No.G/246/08, Dt.21.10.2009 from RDO, Kadapa to the District Collector, Kadapa.

10. The learned trial Court recorded the finding that the compensation for the lands resumed was fixed as per the directions of this Court in W.P.No.1049 of 2008, dated 24.01.2008 to the plaintiffs. On Issue No.2, it was held that the plaintiffs were not entitled for compensation for the suit schedule

land at the rate of Rs.600/- per square yard. Consequently, on the aforesaid findings, on issue No.3, it was held that the plaintiffs were not entitled for the relief claimed. So, both the suits were dismissed with costs, by the judgment and decree dated 09.11.2012.

11. Learned counsel for the appellants submitted that the market value was not determined properly. The appellants are entitled to compensation as per the then prevailing market value as was directed by this Court in W.P.No.1409 of 2008 vide Order dated 24.01.2008. Learned counsel for the appellants placed reliance on Ex.A12 the Market Value Certificate and the chart enclosed therewith, as also Ex.A3 the sale deed.

12. Learned counsel for the appellants placed reliance in the following cases;

- 1) ***Bernard Francis Joseph Vaz v. State of Karnataka*¹**
- 2) ***P. Mallaiah v. Government of A.P*²**
- 3) ***LAO-cum-RDO, Chevella Division, Domalaguda, Hyd. V. Mekala Pandu*³**

13. Learned counsel for the respondents submitted that the subject lands are the agricultural lands and were assigned to the plaintiffs' predecessors, the compensation was rightly determined and the prayer for enhancement is unsustainable. He submitted that the reliance of the plaintiffs on Ex.A12, the Market Value Certificate, fixing the price by the Market Value

¹ (2025) 7 SCC 580

² 2006 (2) ALT 742

³ 2004 (2) ALD 451 (LB)

Revision Committee on square yard basis, was in different location and based thereon, the market value of the plaintiffs' lands was rightly not determined. Similarly, the chart enclosed with Ex.A12 was for the land classified under the category of house sites as specifically mentioned therein, whereas the subject land i.e., the plaintiffs' assigned lands were not enlisted in that list. Further, Ex.A3, the sale deed could not be taken as multiplier as it related to different survey number and was classified as house sites. He submitted that there is no illegality in the judgment and decree passed by the learned trial Court and the appeals deserve to be dismissed.

14. We have considered the aforesaid submissions and perused the material on record.

15. The point for determination is as to whether the compensation as awarded by the respondents herein after the judgment dated 24.01.2008 in W.P.No.1049 of 2008 deserve to be enhanced in view of the submissions advanced on the point of market value of the plaint schedule land?

16. In W.P.No.1049 of 2008 filed by the plaintiffs of the suits, this Court by judgment dated 24.01.2008 disposed of the writ petition declaring that the petitioners were entitled to claim compensation as per the provisions of the Land Acquisition Act, that is to say, solatium, additional compensation and interest in addition to *ex gratia* payable by the Government in terms of G.O.Ms.No.1307 Revenue (Assgn.I) Department, dated 23.12.1993. The said direction is reproduced as under:

“6. Accordingly, Writ Petition is disposed of declaring that the petitioners are entitled to claim compensation as per the provisions of the Act, that is to say

Solatium, additional compensation, and interest in addition to exgratia payable by the Government in terms of G.O.Ms.No.1307, Revenue (Assgn.I) Department, dated 23-12-1993. There shall be no order as to costs.”

17. G.O.Ms.No.1307, dated 23.12.1993 reads as under:

“GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

COMPENSATION:- Government assigned lands coming under submergence in Major and Medium irrigation 7 power projects etc., - payment of Compensation to assigned lands when resumed for public purpose orders issued.

REVENUE ASSIGNMENT 1) DEPARTMENT

G. O. Ms. No. 1307

Dated 23-12-1993

1. G.O. Ms. No. 180 Rev. (n) Dept., Dt. 9-2-84
2. G.O. Ms. No. 603 Rev. (B) Dept., Dt. 28-5-86
3. G.O. Ms. No. 43 Rev. (B) Dept., Dt. 23-1-88
4. G.O. Ms. No. 428 Rev. (B) Dept., Dt. 25-4-92
5. From the C.L.R. Lr. No. G1/2632/80, Dt. 22-2-92.

ORDER

In G.O.Ms. No. 180 Revenue (B) Department Dt. 9-2-84 and G.O. Ms. No. 603 Rev. (B) Dept., Dt. 28-5-86 orders were issued to the effect that Government lands, which have been assigned on ‘D’ form patta to landless poor persons and which will come under submersion of any Major, Medium irrigation and power projects, or are required for Industrial Projects, shall be resumed by the Government and the assignees of such lands shall be paid compensation on compassionate grounds at the market value fixed for similar patta lands in the village, which were acquired under the provisions of Andhra Pradesh Land Acquisition Act. 1894. It was however ordered that no compensation need be paid where alternative lands are given to the assignees.

The Commissioner of land Revenue in his letter 5th read above has stated that it is just and proper that assignees, whose lands are resumed once for all in projects, are paid suitable compensation on par with other pattadars as they are also displaced by virtue of resumption of their lands and they also lose their livelihood. It is therefore, suggested that ex-gratia equivalent to the market value of the land, be paid subject to certain conditions.

In the Empowered committee meeting held on 21-6-1993, during the discussions the issue regarding payment of compensation equivalent to the market value to the assignees, whose lands are resumed once for all for public purpose on

par with other pattadars, as suggested by Commissioner of Land Revenue came up for discussion and it was decided to place the proposal before the Cabinet.

The government after careful examination of the matter in consultation with the Commissioner of Land Revenue, Irrigation and Command Area Department and Finance Department hereby order payment of lumpsum of ex-gratia equivalent to the market value to the assignees whose lands are resumed for the projects and other public purposes and equivalent to valuation for other private orchards structures, wells etc., removing the directions stipulated in para (3) of G.O. Ms. No. 428 Revenue (Asn.1) Department Dt. 25-4-92 subject to the following conditions.

- a. That the amount is to be treated as ex-gratia
- b. That the assignees would not be entitled for marking references under section 18 and section 28-A of land Acquisition Act to the courts.
- c. An amount equivalent to 15% for the lands resumed prior to 30-4-82 and 30% after that date on the market value payable under Section 23(1) of Land Acquisitions Act may be considered for being included in the total ex-gratia payable to the assignees as solatium
- d. That the assignees will not be entitled for interest or additional market value under the Land Acquisition Act.
- e. That the above conditions shall be made applicable to all the assigned lands resumed on or after 9-2-1984 (i.e. the date of issue of G.O. Ms. No.180, Revenue dated 9-2-84, in supersession of G.O. Ms. No. 43, Revenue (s) Department) Dt. 23-1-88.

6. The Commissioner of Land Revenue shall take action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT OF ANDHRA
PRADESH)

M. NARAYANA RAO
Secretary to Government"

18. In terms of G.O.Ms.No.1307, dated 23.12.1993, the plaintiffs/appellants were entitled for compensation and in addition thereto in terms of the Order in W.P.No.1049 of 2008, the plaintiffs were also entitled to

solatium, additional compensation and interest. The Order in W.P.No.1049 of 2008 was passed taking into consideration the judgment of this Court in **P. Mallaiah** (supra), which referred the Full Bench judgment of this Court in **Mekala Pandu** (supra), in which it was laid down that the assignees of the Government land are entitled to payment of compensation equivalent to the market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands were taken possession by the State in accordance with the terms of grant or patta, and even though such resumption was for public purpose.

19. There is no dispute that the solatium and additional compensation, interest in addition to *ex gratio* payable has been granted.

20. The main contention of the learned counsel for the appellants centers round the determination of the market value.

21. The learned trial Court considered the documentary evidence in the form of Ex.A4, the valuation certificate issued by the Sub-Registrar dated 28.09.2011 and also Ex.A12 market value guidelines register in respect of Sy.No.841 and 842, in addition to the other documentary evidence as also the oral evidence and observed that Ex.A12 guidelines pertained to the year 2010, validated from 01.08.2010, whereas in the case of the plaintiffs/appellants the resumption orders were in the year 2004. According to the petitioners, possession was taken in the year 2008. Even if it be so, Ex.A12 was effected with effect from 01.08.2010. So, the trial Court is justified in not placing the reliance on Ex.A12 for determination of the market value of the plaint schedule

lands as in the year 2008. We are of the view that market value was not required to be determined based on the market value certificate Ex.A12 which came into existence with effect from 01.08.2010, whereas in the case of the plaintiffs, such determination was to be made in the year 2008.

22. A perusal of Ex.A12, at Sl.No.9, is for the lands classified under the category of house sites and it could not be shown to us by the learned counsel for the appellants that the plaint schedule lands were also so enlisted.

23. The learned trial Court is also right in considering the Award No.22 of 2007-2008 dated 05.12.2007, which related to the adjoining land in the vicinity of the formation of the outer ring road at the outskirts of Kadapa and since the plaint schedule lands were situated near to the acquired land for the ring road. The date of the Award is 05.12.2007 and the appellants' possession as per their own case was taken in 2008. So, the Award could certainly be relied and served as good exemplar. As per the said Award, the rate was Rs.1,20,000/- per acre and the Joint Collector has sanctioned *ex gratia* fixing the market value at Rs.1,50,000/- per acre, and besides that 30% solatium and additional compensation and interest has been allowed.

24. Ex.B1 is the attested copy of the Inspection Report of Revenue Divisional Officer, dated 05.12.2007 and Ex.B2 is the attested office copy of the notice issued to the plaintiffs dated 10.03.2008 and Ex.B3 is the attested copy of the *ex gratia* statement as per the direction in W.P.No.1049 of 2008 dated 24.01.2008. Ex.A3 is for the land at different location in different Sy.No.858/1.

25. There is no dispute and it has also been so mentioned in the judgment of the learned trial Court that pursuant to the orders passed in W.P.No.1049 of 2008 against the order of the Joint Collector, this Court (High Court) directed to pay 12% additional market value and interest and in compliance thereof, the additional market value at the rate of 12% and interest at 9% and 15% respectively from the date of taking possession 28.01.2008 and 10.05.2008 was paid.

26. In ***Bernard Francis Joseph Vaz*** (supra), upon which learned counsel for the appellants placed reliance, the Hon'ble Apex Court held that normally, compensation is determined as per the market price of land on the date of issuance of the notification regarding acquisition of land but in exceptional circumstances, the compensation can be determined as on the date when possession of land was taken. In the present case, the appellants have been granted compensation as determined with reference to the date of possession taken in the year 2008 and not as per the market value on the date of Land Acquisition Notification in the year 2004. So, there appears to be no grievance or illegality on that count, as was basing on judgment in ***Bernard Francis Joseph Vaz*** (supra).

27. The Full Bench judgment of this Court in ***Mekala Pandu*** (supra) and the law laid down therein was considered in W.P.No.1049 of 2008 and based thereon the order was passed in favour of the plaintiffs. The determination of the compensation being in terms of the directions issued in W.P.No.1049 of

2008, no case for interference with the judgment of the learned trial Court is made out.

28. The determination of the market value could not be shown to be suffering from any error of law or fact.

29. Our answer to the point for determination is that the plaintiffs were entitled for the compensation in terms of the judgment of this Court dated 24.01.2008 in W.P.No.1049 of 2008, passed in the case of the plaintiffs and in terms thereof, they have already been granted and paid the compensation.

30. Thus, considered. We are of the view that there is no illegality in the judgment of the learned trial Court.

31. The appeals lack merit and are dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

MAHESWARA RAO KUNCHEAM, J

Date: 28.04.2026
Dsr

Note:
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