

NON REPORTABLE
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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5073 OF 2009

[Arising out of SLP© No.16682 of 2005]

Muthyam Agaiah Goud

... .Appellant

VERSUS

Land Acquisition Officer & Anr.

...Respondent

J U D G M E N T

TARUN CHATTERJEE, J.

1. Leave granted.
2. This appeal is directed against the final judgment and order dated 18th of February, 2005 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad in Review W.P. M.P.No.26782 of 2004 arising out of W.P.No.22429 of 1996.
3. On 28th of August, 2008, while allowing the application for substitution to bring on record the heirs and legal representatives of the deceased appellant No.2-Bandi Veeraiah, appellant No.3-Ananthula Agaiah, appellant No.4-Bhagaria Bhoomaiah, appellant No.6-Bollapalli Ramaiah, appellant No.7-Mustala Veeraiah, a question was raised by the learned counsel for the appellant that

whether in fact the claimant-appellant had filed an application for reference under Section 18 of the Land Acquisition Act, 1894. For that purpose, by an order of the same date the original records were called for. The original records were placed before us by the learned counsel for the respondent. From a perusal of the record, it has now become clear that an application under Section 18 of the Land Acquisition Act, 1894, in fact, was filed by the appellant.

3. Such being the position, we have no other alternative but to set aside the order impugned in this appeal and send the case back to the Reference Court to decide the said application under Section 18 of the Land Acquisition Act in accordance with law after giving hearing to the parties and after passing a reasoned order within six months from the date of communication of this order to it.

4. The impugned order is set aside. The appeal is thus allowed to the extent indicated above. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
August 04, 2009.

.....J.
[R.M.Lodha]