IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

***

WRIT PETITION NO.12704 OF 2020

Between:

Kunisetty Hymavathy …Petitioner

And

$ The State of Andhra Pradesh, rep. by its Principal Secretary and Others

…Respondents

Date of Judgment pronounced : 08-05-2026

THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN

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 the Lordship wishes to see the fair copy Of the Judgment? : Yes/No

JUSTICE B.KRISHNA MOHAN

*** THE HON'BLE SRI JUSTICE B.KRISHNA MOHAN**

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…Respondents

! Counsel for the Petitioner(s) : NARESH BYRAPANENI

^ Counsel for Respondent(s) : 1. GP FOR REVENUE

2. GP FOR LAND ACQUISITION (AP)

<GIST:

>HEAD NOTE:

? Cases referred:

1. (2025) 1 SCC 798
2. 1988 (4) SCC 163
3. (1994) 1 SCC 44
4. (2024) 10 SCC 533
5. (1994) 1 SCC 44
6. (2024) 10 SCC 605
7. (2020) 8 SCC 129

APHC010196382020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3233]
(Special Original Jurisdiction)

FRIDAY,THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 12704/2020

Between:

1. KUNISETTY HYMAVATHY,, W/O LATE ATMANANDHAM, AGE 72 YEAR, OCC HOUE WIFE R/O FLAT NO. 202, YAGANTI MANOR, 3RD LINE, KRISHNANAGAR, PATTABHIPURAM POST,GUNTUR, GUNTUR DISTRICT-522006. REPREENTED BY HER GENERAL POWER OF ATTORNEY HOLDER, KUNISETTY VENKATA RAMALINGESWARA VAMSI, S/O LATE ATMANANDHAM, AGED ABOUT 40 YEARS, OCC BUSINESS, R/O FLAT NO. 202, YAGANTI MANOR, 3RD LINE, KRISHNANAGAR, PATTABHIPURAM POST,GUNTUR, GUNTUR DISTRICT-522006.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT OF A.P., VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE COLLECTOR, PRAKASAM DISTRICT, ONGOLE.
3. THE REVENUE DIVISIONAL OFFICER, ONGOLE DIVISION, PRAKASAM DISTRICT.
4. THE TAHASILDAR, MARTUR MANDAL, PRAKASAM DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toIt is therefore prayed that this Honourable Court may be pleased to issue a writ, order or direction more particularly a writ of Mandamus declaring the entire land acquisition proceedings, including the declaration issued U/Sec.6 and all the subsequent proceedings including the award dated 09-04-1976 as void and the same was lapsed by virtue of the provisions of Sec.24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and direct the respondents to pay the compensation to petitioners by initiating the proceedings under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and be pleased to pass such other order or orders that may deem fit and propose in the circumstances of the case. Prayer is amended as per the Court's Order dt.28.07.2025 in I.A.No.02 of 2025.

IA NO: 1 OF 2020

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 grant interim directions directing the respondents to pay compensation to the petitioner for the lands acquired in Sy Nos.608/A/A, 600/C and 601/C, of Martur Village, Martur Mandal, Prakasam District pending disposal of the main writ petition and pass

IA NO: 2 OF 2020

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 permit G.P.A.Holder Kunisetty Venkata Ramalingeswara Vamsi, S/o Late Atmanandham, aged about 40 years, Occ: Business, R/o Flat No.202, Yaganti Manor, 3rd Line, Krishnanagar, Pattabhipuram Post, Guntur, Guntur District-522006 to file, appear, to sign and to act on behalf of writ petitioner, i.e., Kunisetty Hymavathy in the above writ petition and pass

IA NO: 1 OF 2021

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 implead the petitioners as writ petitioners 2 and 3 as Legal Representatives of deceased sole writ petitioner Viz Kunisetty Hymavathy, W/o

Late Atmanandham, in the above writ petition in W.P.No. 12704 of 2020 and pass

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 pleased to permit the petitioners to raise the additional grounds as mentioned in the affidavit to meet the ends of justice and be pleased 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 permit the petitioners to raise the additional grounds as mentioned in the affidavit to meet the ends of justice and be pleased to pass.

Counsel for the Petitioner:

1. NARESH BYRAPANENI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR LAND ACQUISITION (AP)

The Court made the following ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

2. This writ petition was filed questioning the entire land acquisition proceedings including the declaration issued u/s.6 and all the subsequent proceedings including the award dated 09.04.1976 as void and the same was lapsed by virtue of the provisions of Sec.24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by directing the respondents to pay the compensation to the petitioners by initiating the proceedings under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The learned counsel for the petitioners submits that the petitioner purchased an extent of Ac.5.20 cents of land in the year 1973 under different registered sale deeds for different extents vide registered document No.1698 of 73, dated 15.06.1973 for an extent of Ac.1.22 cents in Sy.No.608/A/A, registered document No.1700/1973, dated 15.06.1973 for an extent of Ac.0.99 cents in Sy.No.608/A/A and registered document No.1701/1973, dated 15.06.1973 for an extent of Ac.2.23 cents in Sy.No.608/A/A, Ac.0.38 cents in Sy.No.600/C and Ac.0.38 cents in Sy.No.601/C totalling Ac.2.99 cents situated in Martur Village, Martur Mandal, Prakasam District. Sincethen, the petitioner was in possession and enjoyment of the same.

The petitioner along with her husband moved to Chennai in 1975 and lived there till 1989 with their business activities. Later, they moved to Visakhapatnam in 1989 and lived there till 1995. Then they moved to Vijayawada in 1995 and lived there till 2000. Since her health condition was not good, they moved back to Guntur. The husband of the petitioner died on 30.11.2006. During his life time, he looked after the subject lands. Later the petitioner's father by name Maddi Satyanarayana looked after the affairs of the subject land till he expired in June, 2008. Later the petitioner's close relative one Kunisetty Mallikarjuna Rao looked after the affairs of the land till he died in the year 2019.

The deponent of the writ petition is the GPA holder and son of the petitioner and because of his education and employment elsewhere, he had no knowledge of the subject land owned by his mother who purchased in the year 1973. After the demise of Kunisetty Mallikarjuna Rao in December, 2019, the petitioner gave the above said sale deeds to her son/deponent on 25.03.2020 and informed about the property. It was the lockdown period of Covid-19. After lifting of lockdown, the petitioner's son/deponent made enquiries and came to know that the lands were acquired for government purpose and some part was also acquired by the National Highway Authority. On receiving such information from the locals, he contacted the respondent Nos.3 & 4 to enquire about the acquisition of the petitioner's lands in Sy.Nos.608/A/A, 600/C and 601/C of Martur Village, Martur Mandal. But they did not choose to give any details. Then he went to the locality and came to know that the subject lands were occupied by different people by constructing houses in different plots and they informed that the house plots were assigned by the government and they were not aware to whom the said land belongs to. The petitioner did not receive any notice at any point of time proposing to acquire. No compensation was paid. The petitioner shall not be deprived of the enjoyment of the said land without following the due process of law. The petitioner is entitled for the entire compensation to be paid as on 2020. The respondents without taking any legal steps acquired the petitioner's land illegally without following the due process of law.

3. On the other hand the learned Government Pleader appearing for the respondents relying upon the counter of the respondents submits that as per the records available with the 4th respondent and basing upon the proposals of the then Block Development Officer dated 26.01.1976 for acquisition of land in Sy.No.600/C and 608/A/A of Martur Village in pursuance of 20 point economic programme, the then District Collector, Prakasam District initiated acquisition proceedings. As per RSR and revenue records, an extent of Ac.0.38 cents in Sy.No.600/C and an extent of Ac.0.83 cents in Sy.No.601/C of Martur Village

were classified as Inam Dry and one Daggubati Subbaiah was shown as pattadar and one Maddi Hymavathi was shown as enjoyer. Further an extent of Ac.6.18 cents in Sy.No.608/A/A was classified as Government Dry as per RSR and revenue records and one Daggubati Tirumalaiah and four others were shown as pattadars and one Maddi Hymavathi was shown as enjoyer. After verification and survery of the lands, the Draft Notification and Draft Declaration were published on 19.02.1976 and advance possession was taken by the government for acquisition of total extent of Ac.5.04 cents i.e., an extent of Ac.0.38 cents in Sy.No.600/C, an extent of Ac.0.83 cents in Sy.No.601/C and an extent of Ac.3.83 cents in Sy.No.608/AA. Finally, after measurements and sub division of the survey numbers and after scrutiny of all the records, a total extent of Ac.4.95 cents i.e. an extent of Ac.0.38 cents in Sy.No.600/C, an extent of Ac.0.59 cents in Sy.No.601/C and an extent of Ac.3.83 cents in Sy.No.608/AA has been proposed for acquisition.

After the publication of Draft Notification and Draft Declaration, during award enquiry, the father and husband of the petitioner namely Maddi Satyanarayana and Kunisetty Atmanandam appeared before the Land Acquisition Officer representing the present writ petitioner and submitted their objections stating that the site was purchased by the present writ petitioner for construction of Tobacco re-drying factory. The husband of the writ petitioner gave a statement before the Land Acquisition Officer on 07.04.1976. Again the petitioner submitted a written representation to the then Sub Collector, Ongole through registered post objecting for acquisition proceeding stating that the beneficiaries to whom the land was proposed to be allotted were having own houses etc. After due enquiry the Land Acquisition Officer rejected the objections of the representatives of the writ petitioner and ultimately passed an Award No.12/1976 dated 09.04.1976 for Rs.31,377.75 towards compensation to the writ petitioner and the compensation awarded is directed to be paid in 5 equal instalments to the writ petitioner. Subsequently, the amount awarded to the writ petitioner was released and the then Revenue Divisional Officer-cum-LAO, Ongole issued several notices to the writ petitioner to appear before him and receive the amounts but as the writ petitioner failed to appear before the then RDO-cum-LAO inspite of several notices, remitted the entire compensation payable to the writ petitioner, to the Revenue Deposits. Subsequently, the entire land i.e. Ac.4.95 cents was divided into house plots and lay out was prepared and thereafter pattas were granted to the beneficiaries of Vaddera community of Martur Village in the year 1976 itself.

Thus, since 1976 allottees of pattas have been in possession and enjoyment of their respective plots by raising houses. Thus, it is clear from the above said facts that the writ petitioner suppressed several material facts and filed the writ petition with false and untenable allegations as if she has no knowledge about the Land Acquisition proceedings. As stated above in the year 1976 itself, the government acquired the land following due process of law and allotted the land to Vaddera people by dividing the same into house plots and the beneficiaries have been in possession of the respective plots.

The petitioner's husband participated the award enquiry on 07.04.1976 in response to the notices u/s.9(3) of Land Acquisition Act, 1894. Subsequently, Land Acquisition Officer passed an award on 09.04.1976 as stated above. After passing of award, notices dated 11.04.1976 were issued u/s.12(2) of LA Act, 1894 to the petitioner to appear and receive compensation through Registered Post with Acknowledgement Due and the petitioner received the said notice as per the Acknowledgement Due. But the petitioner failed to avail the same. Under section 45 of the Land Acquisition Act, 1894, multiple statutory modes of service of notice are prescribed. It is not necessary that a copy of the award must be personally delivered to the awardee. Thus, the government after carefully following the due process of law, acquired the land for public purpose and in fact the writ petitioner participated in the award enquiry by raising objections as stated above. Hence, the petitioner is not entitled to claim the compensation as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. It has no application to the facts and circumstances of this case as the land was acquired in the year 1976 itself, after following the due procedure under the provisions of LA Act, 1894.

4. In reply, the learned counsel for the petitioner submits that the respondents failed to produce any material to show that notice was issued by the respondents asking to collect the amount payable under award, said to have been passed on 09.04.1976. The respondents enclosed copies of the notices dated 02.03.1976 and 06.03.1976 purported to have been issued u/s.9(1) and 10 of the Land Acquisition Act of 1894 and 9(3) and 10 of Land Acquisition Act of 1894 asking the petitioner to participate in award enquiry. But no additional material was filed to show that notice was issued and served u/s.31 of Land Acquisition Act of 1894 asking the petitioner to come and collect the awarded amount.

5. In support of his contentions, the learned counsel for the petitioner referred to the following decisions:

(i) In the matter of ***Ultra-Tech Cement Limited v. Mast Ram and Others***[1], the Hon'ble Supreme Court held at para Nos.46 to 51 as under:

> 46. The Right to Property in our country is a net of intersecting rights which has been explained by this Court in Kolkata Municipal Corporation & Anr. v. Bimal Kumar Shah & Ors., 2024 SCC OnLine SC 968. A Division Bench of this Court identified seven non-exhaustive sub-rights that accrue to a landowner when the State intends to acquire his/her property. The relevant observations of this Court under the said judgment are reproduced below:
>
> "30. … Seven such sub-rights can be identified, albeit non- exhaustive. These are:
>
> i) duty of the State to inform the person that it intends to acquire his property – the right to notice,
> ii) the duty of the State to hear objections to the acquisition – the right to be heard,

[1] (2025) 1 SCC 798

iii) the duty of the State to inform the person of its decision to acquire – the right to a reasoned decision,
iv) the duty of the State to demonstrate that the acquisition is for public purpose – the duty to acquire only for public purpose,
v) the duty of the State to restitute and rehabilitate – the right of restitution or fair compensation,
vi) the duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings – the right to an efficient and expeditious process, and
vii) final conclusion of the proceedings leading to vesting – the right of conclusion…" [Emphasis Supplied]

This Court held that a fair and reasonable compensation is the sine qua non for any acquisition process.

47. In Roy Estate v. State of Jharkhand, (2009) 12 SCC 194; Union of India v. Mahendra Girji, (2010) 15 SCC 682 and Mansaram v. S.P. Pathak, (1984) 1 SCC 125, this Court underscored the importance of following timelines prescribed by the statutes as well as determining and disbursing compensation amount expeditiously within reasonable time.

48. The subject land came to be acquired by invoking special powers in cases of urgency under Section 17(4) of the 1894 Act. The invocation of Section 17(4) extinguishes the statutory avenue for the landowners under Section 5A to raise objections to the acquisition proceedings. These circumstances impose onerous duty on the State to facilitate justice to the landowners by providing them with fair and reasonable compensation expeditiously. The seven sub-rights of the landowners identified by this Court in Kolkata Municipal Corporation (supra) are corresponding duties of the State. We regret to note that the amount of Rs. 3,05,31,095/- determined as compensation under the Supplementary Award has not been paid to the landowners for a period of more than two years and the State of Himachal Pradesh as a welfare State has made no effort to get the same paid at the earliest.

49. This Court has held in Dharnidhar Mishra (D) and Another v. State of Bihar and Others, 2024 SCC OnLine SC 932 and State of Haryana v. Mukesh Kumar, (2011) 10 SCC 404 that the right to property is now considered to be not only a constitutional or statutory right, but also a human right. This Court held in Tukaram Kana Joshi and Ors. thr. Power of Attorney Holder v. M.I.D.C. and Ors., (2013) 1 SCC 353 that in a welfare State, the statutory authorities are legally bound to pay adequate compensation and rehabilitate the persons whose lands are being acquired. The non-fulfilment of such obligations under the garb of industrial development, is not permissible for any welfare State as that would tantamount to uprooting a person and depriving them of their constitutional/human right.

50. That time is of the essence in determination and payment of compensation is also evident from this Court's judgment in Kukreja Construction Company & Ors. v. State of Maharashtra & Ors., 2024 SCC OnLine SC 2547 wherein it has been held that once the compensation has been determined, the same is payable immediately without any requirement of a representation or request by the landowners and a duty is

cast on the State to pay such compensation to the land losers, otherwise there would be a breach of Article 300-A of the Constitution.

51. In the present case, the Government of Himachal Pradesh as a welfare State ought to have proactively intervened in the matter with a view to ensure that the requisite amount towards compensation is paid at the earliest. The State cannot abdicate its constitutional and statutory responsibility of payment of compensation by arguing that its role was limited to initiating acquisition proceedings under the MOU signed between the Appellant, JAL and itself. We find that the delay in the payment of compensation to the landowners after taking away ownership of the subject land from them is in contravention to the spirit of the constitutional scheme of Article 300A and the idea of a welfare State.

(ii) In the matter of ***K.Krishna Reddy and others v. Special Dy. Collector, Land Acquisition Unit II, LMD Karimnagar*** [2], the Hon'ble Supreme Court held as under:

The next question for consideration is whether it is now necessary to keep the remand order undisturbed. Counsel for the claimants ' is totally against the matter being sent back to the District Judge. He urged that the claimants are small holders and agriculturists. They are hard pressed and unable to fight another round of litigation. They are prepared to accept any compensation which this Court may think fit to award. This plea of the counsel has an appealing simplicity. It reflects the facts of life and problems of litigation.

We can very well appreciate the anxiety and need of claimants to get compensation here and now. No matter what it is. The lands were acquired as far back in 1977. One decade has already passed. Now the remand means another round of litigation. There would be further delay in getting the compensation. After all money is what money PG NO 857 buys. What the claimants could have bought with the compensation in 1977 cannot do in 1988. Perhaps, not even one half of it. It is a common experience that the purchasing power of rupee is dwindling. With rising inflation, the delayed payment may, lose all charm and utility of the compensation. In some cases, the delay may be detrimental to the interests of claimants. The Indian agriculturists generally have no avocation. They totally depend upon land. If uprooted, they will find themselves nowhere. They are left high and dry. They have no savings to draw. They have nothing to fall back upon. They know no other work. They may even face starvation unless rehabilitated. In all such cases, it is of utmost importance that the award should be made without delay. The enhanced compensation must be determined with-out loss of time. The appellate power of remand, at any rate ought not to be exercised lightly. It shall not be resorted to unless the award is wholly unintelligible. It shall not be exercised unless there is total lack of evidence. If remand is imperative, and if the claim for enhance I compensation is tenable, it would be proper for the appellate court to do modest best to mitigate hardships. The appellate court

[2] 1988 (4) SCC 163

may direct some interim payment to claimants subject t o adjustment in the eventual award.

Counsel for the State argued that there is no material on record for this Court to determine compensation and the remand may be useful for the claimants themselves. He however reluctantly indicated his own estimate of the market value in the event of this Court giving a quietus to the litigation.

It seems to us that this is not a case ot no evidence. This is a case of both relevant and irrelevant evidence mixed up together. We must exclude the irrelevant and exaggerated claim. The claimants have not justified the award generously given by the District Judge. Rs. 85,000 per acre appears to be on the high side as against the award Ex. A.5. In the first place, Section 4 notification concerned in that Award was dated 16 February l978. It was almost a year after the notification in these cases. Secondly, the lands therein were close to the town of Karimnagar. The situation is not similar in this case. Here the lands are 3 kms awy from Karimnagar town. It is in this background I we have carefully considered the rough estimates given by counsel on both sides. We have also examined the relevant material. A distance of 3 kms from a growing town of District headquarters should not however. make a world of difference. We are of opinion that the compensation at the rate of Rs.25,000 per acre regardless of categorisation would be sufficient to meet the ends of justice. It is needless to state that the claimants are entitled to mandatory solatium PG NO 858 at 30 per cent and also statutory interest. In the result, we allow these appeals and set aside the judgments of the High Court and District Judge. There shall be an award in terms as indicated above. In the circumstances of the case, we make no order as to costs.

(iii) In the matter of ***Ram Chand and others v. Union of India and others***[3], the Hon'ble Supreme Court held at Para Nos.24, 25 & 27as under:

24. The petitioners because of the delay and inaction on the part of the respondents are in a great predicament. Any amount determined as market value of their lands acquired, with reference to the dates of issuance of notifications under sub-section (1) of Section 4 of the Act i.e. at the rate prevalent 15-21 years prior to the dates of the making of the award, cannot be held to be compliance of the mandate regarding payment of market value of the land so acquired under the Constitution and the Act. This Court faced with such a situation, where proceedings have remained pending for years after issuance of declarations under Section 6, in order to protect the petitioners concerned from irreparable injury i.e. getting compensation for their lands acquired with reference to the date of notification under subsection (1) of Section 4, which may be more than a decade before the date of the making of the award, has advanced the date of notification under subsection (1) of Section 4 of the Act, so that market value of the land so acquired is paid at a just and reasonable rate. Reference in this connection may be made to the cases of Ujjain Vikas Pradhikaran v. Raj Kumar Johri 15; Akhara Brahm Buta, Amritsar v. State of Punjab 1 6 and Bihar State Housing Board v. Ram Bihari Mahato 17. This Court has advanced the date of notification under sub-section

[3] (1994) 1 SCC 44

(1) of Section 4 of the Act, in the cases referred to above, without assigning any reason, as to how the date fixed by Sections 11 and 23 of the Act, can be altered for ascertainment of the market value of land. The power of this Court under Article 142 is very wide and can be exercised in the ends of justice. The scope of the said Article was recently examined in the case of Union Carbide Corpn. v. Union of India' 8.

25. There appears to be some force in the contention of the petitioners that the object of respondents was to peg the price of the lands acquired from the different cultivators to a distant past and not to proceed further because if the awards had been made soon after the declarations under Section 6, respondents had to pay or tender the compensation to the claimants, which for some compulsion, respondents were not in a position to pay or tender them. But, nonetheless, the exercise of power in the facts and circumstances 14 (1992) 1 SCC 684 15 (1992) 1 SCC 328 16 (1992) 4 SCC 243: JT (1992) 5 SC 136 17 AIR 1988 SC 2134 18 (1991) 4 SCC 584: AIR 1992 SC 248 of the cases by the respondents has to be held to be against the spirit of the provisions of the Act, tending towards arbitrariness. In such a situation this Court in exercise of power under Article 32 and the High Court under Article 226, could have quashed the proceedings. But, taking into consideration that in most of the cases, the Delhi Administration and Delhi Development Authority have taken possession of the lands and even developments have been made, it shall not be proper exercise of discretion on the part of this Court to quash the proceedings because, in that event, it shall affect the public interest. Moreover, third party interests created in the meantime are also likely to be affected and such third parties are not impleaded. The relief of quashing the acquisition proceeding having become inappropriate due to the subsequent events, the grant of a modified relief, considered appropriate in the circumstances, would be the proper course to adopt. The High Court or this Court, can grant a modified relief taking into consideration the injury caused to the claimants by the inaction on the part of respondents and direct payment of any additional amount, in exercise of power under Article 226 or Article 32 of the Constitution.

27. According to us, after the judgment of this Court in Aflatoon case10 on August 23, 1974, the reasonable time for making the awards was about two years from that date. Beyond two years, the time taken for making of the awards will be deemed to be unreasonable. As such, after expiry of the period of two years, some additional compensation has to be awarded to the cultivators. Taking into consideration the interest of the cultivators and the public, instead of quashing the proceedings for acquisition, we direct that the petitioners shall be paid an additional amount of compensation to be calculated at the rate of twelve per cent per annum, after expiry of two years from August 23, 1974, the date of the judgment of this Court in Aflatoon case10 till the date of the making of the awards by the Collector, to be calculated with reference to the market value of the lands in question on the date of the notifications under sub-section (1) of Section 4.

(iv) In the matter of ***Kolkata Municipal Corporation and another v. Bimal Kumar Shah and others*** [4], the Hon'ble Supreme Court held at Para Nos.28, 29, 30, 31 & 32 as under:

> 28. While it is true that after the 44th Constitutional Amendment 8, the right to property drifted from Part III to Part XII of the Constitution, there continues to be a potent safety net 8 Constitution (Forty-Fourth Amendment) Act, 1978. against arbitrary acquisitions, hasty decision-making and unfair redressal mechanisms. Despite its spatial placement, Article 300A (300A of the Constitution: "Persons not to be deprived of property save by authority of law. – No person shall be deprived of his property save by authority of law) which declares that "no person shall be deprived of his property save by authority of law" has been characterised both as a constitutional and also a human right Lachhman Dass v. Jagat Ram, (2007) 10 SCC 448; Vidya Devi v. State of Himachal Pradesh, (2020) 2 SCC 569. To assume that constitutional protection gets constricted to the mandate of a fair compensation would be a disingenuous reading of the text and, shall we say, offensive to the egalitarian spirit of the Constitution.
>
> 29. The constitutional discourse on compulsory acquisitions, has hitherto, rooted itself within the 'power of eminent domain'. Even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition were mandated State of Bihar v. Maharajadhiraja Sir Kameshwar Singh of Darbhanga, (1952) 1 SCC 528. Although not explicitly contained in Article 300A, these twin requirements have been read in and inferred as necessary conditions for compulsory deprivation to afford protection to the individuals who are being divested of property Hindustan Petroleum Corporation Ltd v. Darius Shapur Chenai, (2005) 7 SCC 627; K.T. Plantation Pvt Ltd v. State of Karnataka, (2011) 9 SCC 1. A post-colonial reading of the Constitution cannot limit itself to these components alone. The binary reading of the constitutional right to property must give way to more meaningful renditions, where the larger right to property is seen as comprising intersecting sub-rights, each with a distinct character but interconnected to constitute the whole. These sub-rights weave themselves into each other, and as a consequence, State action or the legislation that results in the deprivation of private property must be measured against this constitutional net as a whole, and not just one or many of its strands.
>
> 30. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:
>
> i) duty of the State to inform the person that it intends to acquire his property – the right to notice,

[4] (2024) 10 SCC 533

> ii) the duty of the State to hear objections to the acquisition – the right to be heard,
>
> iii) the duty of the State to inform the person of its decision to acquire – the right to a reasoned decision,
>
> iv) the duty of the State to demonstrate that the acquisition is for public purpose – the duty to acquire only for public purpose,
>
> v) the duty of the State to restitute and rehabilitate – the right of restitution or fair compensation,
>
> vi) the duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings – the right to an efficient and expeditious process, and
>
> vii) final conclusion of the proceedings leading to vesting – the right of conclusion.

> 31. These seven rights are foundational components of a law that is tune with Article 300A, and the absence of one of these or some of them would render the law susceptible to challenge. The judgment of this Court in K.T. Plantation Pvt. Ltd. v. State of Karnataka, (2011) 9 SCC 1 declares that the law envisaged under Article 300A must be in line with the overarching principles of rule of law, and must be just, fair, and reasonable. It is, of course, precedentially sound to describe some of these sub-rights as 'procedural', a nomenclature that often tends to undermine the inherent worth of these safeguards. These seven sub-rights may be procedures, but they do constitute the real content of the right to property under Article 300A, non- compliance of these will amount to violation of the right, being without the authority of law.
>
> 32. These sub-rights of procedure have been synchronously incorporated in laws concerning compulsory acquisition and are also recognised by our constitutional courts while reviewing administrative actions for compulsory acquisition of private property. The following will demonstrate how these seven principles have seamlessly become an integral part of our Union and State statutes concerning acquisition and also the constitutional and administrative law culture that our courts have evolved from time to time.

(v) In the matter of ***Bernard Francis Joseph Vaz and others v. Government of Karnataka and others*** [5], the Hon'ble Supreme Court held at Para Nos.48 to 57 as under:

> 48. It cannot be gainsaid that the appellants herein have been deprived of their legitimate dues for almost 22 years ago. It can also not be controverted that money is what money buys. The value of money is based on the idea that money can be invested to earn a return, and that the purchasing power of money decreases over time due to inflation. What the appellants herein could have bought with the compensation in 2003 cannot do in 2025. It is, therefore,

[5] (1994) 1 SCC 44

of utmost importance that the determination of the award and disbursal of compensation in case of acquisition of land should be made with promptitude.

49. We find that in the present case, the appellants were required to knock at the doors of the courts on number of occasions during the period of last twenty-two years. The appellants have been deprived of their property without paying any compensation for the same in the said period of last twenty-two years. As already discussed hereinabove, the appellants had purchased the plots in question for construction of residential houses. Not only have they not been able to construct, but they have also not been even paid any compensation for the same. As discussed hereinabove, though Right to Property is no more a fundamental right, in view of the provisions of Article 300-A of the Constitution of India, it is a constitutional right. A person cannot be deprived of his property without him being paid adequate compensation in accordance with law for the same.

50. In the present case, it can clearly be seen that there is no delay which can be attributed to the appellants in not getting compensation, but it was on account of the lethargic attitude of the officers of the State/KIADB that the appellants were deprived of compensation.

51. Only after the notices were issued in the contempt proceedings, the compensation was determined by the SLAO on 22nd April 2019 taking guideline values prevailing in the year 2011 for determining the market value of the acquired land.

52. No doubt that as already observed by us hereinabove, we do not find any error in the approach adopted by the learned Single Judge of the High Court in holding that the SLAO could not have shifted the date and it could have been done only by this Court in exercise of powers under Article 32/142 of the Constitution of India or by the High Court under Article 226 of the Constitution of India. However, the learned Single Judge of the High Court instead of relegating the appellants to again go through the rigors of determination by SLAO, ought to have exercised powers under Article 226 of the Constitution to do complete justice. Even the Division Bench of the High Court on a hyper technical ground has non-suited the appellants.

53. In that view of the matter, we find that it is a fit case wherein this Court in exercise of its powers under Article 142 of the Constitution should direct shifting of the date for determination of the market value of the land in question of the appellants.

54. If the compensation to be awarded at the market value as of the year 2003 is permitted, it would amount to permitting a travesty of justice and making the constitutional provisions under Article 300-A a mockery.

55. Since the State/KIADB was in deep slumber from 2003 to 2019 and acted for the first time only after the notices were issued in contempt proceedings, we find that though SLAO had no power to shift the date for determination of market value, he had rightly done so. The learned Single Judge of the High Court also does not say that the determination of compensation to be awarded by shifting of the date by the SLAO to that of 2011 was unjust but only sets aside the award on the ground that SLAO had no jurisdiction to do so.

56. There is another reason for doing so. If on account of the inordinate delay in paying the compensation and thereby depriving the constitutional right to the appellants under Article 300-A, the land acquisition proceedings are quashed, the only recourse available to the State/KIADB in order to save the project will be to now issue a fresh acquisition notification by invoking the provisions as applicable under the 2013 LA Act which would entail huge expenditure to the public exchequer.

57. We, therefore, in exercise of power of this Court under Article 142 of the Constitution of India, find it appropriate in the interest of justice that the SLAO be directed to determine the compensation to be awarded to the appellants herein on the basis of the market value prevailing as on 22nd April 2019. The appellants shall also be entitled to all the statutory benefits as are available to them under the 1894 LA Act. This shall be without prejudice to the rights/contentions of either party, in case they make a reference before an appellate authority, if they are so aggrieved by the fresh determination of compensation by the SLAO. We further clarify that, any other award which may have been passed pursuant to the directions of the learned Single Judge of the High Court shall stand nullified by this judgment.

(vi) In the matter of ***Dharnidhar Mishra (D) and another v. State of Bihar and others*** [6], the Hon'ble Supreme Court held at para Nos.11 to 16 & 27 as under:

11. We take notice of two things: First, the High Court in its impugned order has stated that the appellant herein has been informed about the value of the land assessed at Rs.4,68,099. We fail to understand on what basis this figure has been arrived at; at what point of time this amount came to be assessed; and the basis for the assessment of such amount. Secondly, the order of the High Court could be said to be a non-speaking order. Although at this stage, the learned counsel appearing for the State of Bihar submitted that it was an order obtained with the consent of the parties, yet there is nothing to indicate that any consent was given by the appellant herein to pass such an order.

12. The first thing that the High Court should have enquired with the State is as to why in the year 1977 itself, that is the year in which the land came to be acquired, the award for compensation was not passed. The High Court should have enquired why it took forty-two years for the State to determine the figure of Rs.4,68,099. The High Court should also have asked the State the basis of the determination of the amount towards compensation. It is a well settled position of law that after the award towards compensation is passed, if the owner of the land is not satisfied with the quantum, he can even file an appeal for the enhancement of the same. The High Court proceeded on the footing that the amount of Rs.4,68,099 has been assessed and it is now for the appellant to file an appropriate application and get the amount disbursed in his favour.

[6] (2024) 10 SCC 605

13. We are not convinced but rather disappointed with the approach of the High Court while disposing of the appeal.

14. There are many issues arising in this litigation and the High Court should have taken little pains to ask the State why it made the appellant run from pillar to post. It is sad to note that the appellant passed away fighting for his right to receive compensation. Now the legal heirs of the appellant are pursuing this litigation.

15. In 1976, when the land of the appellant came to be acquired the right to property was a fundamental right guaranteed by Article 31 in Part III of the Constitution. Article 31 guaranteed the right to private property, which could not be deprived without due process of law and upon just and fair compensation.

16. The right to property ceased to be a fundamental right by the Constitution (Forty-Fourth Amendment) Act, 1978, however, it continued to be a human right in a welfare State, and a constitutional right under Article 300-A of the Constitution. Article 300-A provides that no person shall be deprived of his property save by authority of law. The State cannot dispossess a citizen of his property except in accordance with the procedure established by law. The obligation to pay compensation, though not expressly included in Article 300-A, can be inferred in that Article.

27. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside and the matter is remitted to the High Court for fresh consideration. Letters Patent Appeal No 997 of 2019 is restored to its original file. The High Court shall hear both the sides and pass an appropriate order in accordance with what has been observed by this Court in this order. We request the High Court to decide the matter within a period of two months from today.

(vii) He also referred the judgment of this Court vide W.A.No.113 of 2024, wherein the Division Bench held at Para No.20 as under:

20. To the mind of this Court, the only adequate compensation in such a case, would be to direct the respondents to re-determine the compensation payable to the appellant by taking the market value of the property existing as on today and to make such payment within a period of four months from the date of receipt of this order. Further, as an interim 8 RRR,J& HN,J W.A.No.113 of 2024 measure, the 1st and 4th respondents shall take steps to pay the original compensation of Rs. 5003, along with interest at the rate of 9 percent per annum from 16.02.1982 till date of payment within 3 weeks from the date of receipt of this order. The said payment shall be adjusted against the final compensation that is determined on the basis of the market value of the land, as on today. Any deviation from the timeline set out above, shall be treated as a violation of this Order.

6. On the other hand, the learned Assistant Government Pleader for the respondents relied upon the decision of the Hon'ble Supreme Court in ***Indore Development Authority v. Manoharlal and others***[7], wherein it was held at para Nos.96, 225, 226 as under:

> 96. Section 24(1)(a) of the Act of 2013 read with the non-obstante clause provides that in case of proceedings initiated under the Act of 1894 the award had not been made under Section 11, then the provisions of the Act of 2013, relating to the determination of compensation would apply. However; the proceedings held earlier do not lapse. In terms of Section 24(1)(b), where award under Section 11 is made, then such proceedings shall continue under the provisions of the Act of 1894. It contemplates that such pending proceedings, as on the date on which the Act of 2013 came into force shall continue, and taken to their logical end. However, the exception to Section 24 (1)(b) is provided in Section 24(2) in case of pending proceedings; in case where the award has been passed five years or more prior to the commencement of the Act of 2013, the physical possession of the land has not been taken, or the compensation has not been paid, the proceedings shall be deemed to have lapsed, and such proceedings cannot continue as per the provisions of Section 24(1)(b) of the Act of 2013.
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> 225. The land owners had argued that the obligation to pay gets discharged only when compensation is actually paid and/or deposited. Even if it is received under protest under Section 31(1), it is finally accepted by the landowners post-settlement by the Reference Court. We (1989) 1 SCC 760 150B.R. Enterprises v. State of U.P. and Ors., (1999) 9 SCC 700; Kailash Nath Agarwal and Ors. v. Pradeshiya Industrial & Investment Corporation of U.P. Ltd. and Anr., (2003) 4 SCC 305 (which interpreted "proceeding" and "suit" differently; In DLF Qutab Enclave Complex Educational Charitable Trust v. State of Haryana and Ors., (2003) 5 SCC 622 (where "at his cost" and "at its cost" were interpreted to mean different situations. are not able to accept the submission as Section 34 of the Act of 1894, is clear even if the amount is not paid or deposited, it carries interest. The logic behind this is that if the State is retaining the amount with peace and its liability to pay does not cease, but it would be liable to make the payment with interest as envisaged therein. Once tender is made, obligation to pay is fulfilled so that the amount cannot be said to have been paid, but obligation to pay has been discharged and if a person who has not accepted it, cannot penalise the other party for default to pay and non-deposit carries only interest as money had been retained with the Government.
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> 226. Thus, in our opinion, the word "paid" used in Section 24(2) does not include within its meaning the word "deposited", which has been used in the proviso to Section 24(2). Section 31 of the Act of 1894, deals with the deposit as envisaged in Section 31(2) on being 'prevented' from making the payment even if the amount has been deposited in the treasury under the Rules framed

[7] (2020) 8 SCC 129

under Section 55 or under the Standing Orders, that would carry the interest as envisaged under Section 34, but acquisition would not lapse on such deposit being made in the treasury. In case amount has been tendered and the landowner has refused to receive it, it cannot be said that the liability arising from non-payment of the amount is that of lapse of acquisition. Interest would follow in such a case also due to non-deposit of the amount. Equally, when the landowner does not accept the amount, but seeks a reference for higher compensation, there can be no question of such individual stating that he was not paid the amount (he was determined to be entitled to by the collector). In such case, the landowner would be entitled to the compensation determined by the Reference court. In re: Rules framed under Section 55 and the Standing Orders issued by State Governments.

366. In view of the aforesaid discussion, we answer the questions as under:

1. Under the provisions of Section 24(1)(a) in case the award is not made as on 1.1.2014 the date of commencement of Act of 2013, there is no lapse of proceedings. Compensation has to be determined under the provisions of Act of 2013.

2. In case the award has been passed within the window period of five years excluding the period covered by an interim order of the court, then proceedings shall continue as provided under Section 24(1)(b) of the Act of 2013 under the Act of 1894 as if it has not been repealed.

3. The word 'or' used in Section 24(2) between possession and compensation has to be read as 'nor' or as 'and'. The deemed lapse of land acquisition proceedings under Section 24(2) of the Act of 2013 takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.

4. The expression 'paid' in the main part of Section 24(2) of the Act of 2013 does not include a deposit of compensation in court. The consequence of non-deposit is provided in proviso to Section 24(2) in case it has not been deposited with respect to majority of land holdings then all beneficiaries (landowners) as on the date of notification for land acquisition under Section 4 of the Act of 1894 shall be entitled to compensation in accordance with the provisions of the Act of 2013. In case the obligation under Section 31 of the Land Acquisition Act of 1894 has not been fulfilled, interest under Section 34 of the said Act can be granted. Non-deposit of compensation (in court) does not result in the lapse of land acquisition proceedings. In case of non-deposit with respect to the majority of holdings for five years or more, compensation under the Act of 2013 has to be paid to the "landowners" as on the date of notification for land acquisition under Section 4 of the Act of 1894.

5. In case a person has been tendered the compensation as provided under Section 31(1) of the Act of 1894, it is not open to him to claim that acquisition has lapsed under Section 24(2) due to non-payment or non-deposit of compensation in court. The obligation to pay is complete by tendering the amount under Section 31(1). Land owners who had refused to accept compensation or who sought reference for higher compensation, cannot claim

> that the acquisition proceedings had lapsed under Section 24(2) of the Act of 2013.
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> 6. The proviso to Section 24(2) of the Act of 2013 is to be treated as part of Section 24(2) not part of Section 24(1)(b).
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> 7. The mode of taking possession under the Act of 1894 and as contemplated under Section 24(2) is by drawing of inquest report/ memorandum. Once award has been passed on taking possession under Section 16 of the Act of 1894, the land vests in State there is no divesting provided under Section 24(2) of the Act of 2013, as once possession has been taken there is no lapse under Section 24(2).
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> 8. The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for land acquisition pending with concerned authority as on 1.1.2014. The period of subsistence of interim orders passed by court has to be excluded in the computation of five years.
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> 9. Section 24(2) of the Act of 2013 does not give rise to new cause of action to question the legality of concluded proceedings of land acquisition. Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.

7. In view of the above said facts and circumstances, upon consideration of the rival submissions made and perusal of the material available on record, it is obvious that the draft notification and draft declaration were published on 19.02.1976, the father and husband of the petitioner appeared before the Land Acquisition Officer representing the petitioner and submitted their objections during the award enquiry, the husband of the petitioner gave statement on 07.04.1976, again the petitioner submitted a written representation to the then Sub Collector, Ongole through registered post objecting for acquisition proceedings and after due enquiry and rejection of the objections, ultimately an award was passed vide Award No.12/1976 dated 09.04.1976 for Rs.31,377.75 ps. towards compensation to the petitioner payable in five equal instalments,

subsequently the awarded amount was released, notices were issued to the petitioner to appear before the Land Acquisition Officer, Ongole and receive the amounts but as the petitioner failed to appear before the then RDO-cum-LAO, Ongole, the said compensation was remitted to the revenue deposits. Subsequently, the entire land in an extent of Ac.4.95 cents was divided into house plots and lay out was prepared and thereafter pattas were granted to the beneficiaries of Vaddera community of Martur Village in the year 1976.

Thus, since 1976 allottees of pattas are being in possession and enjoyment of their respective plots by raising houses. As could be seen from the above said facts and circumstances, ultimately the petitioner's grievance remains to the extent that there was no notice served on the petitioner to receive the compensation after the award was passed. But after passing of the award, notices dated 11.04.1976 were issued u/s.12(2) of the LA Act, 1894 to the petitioner to appear and receive the compensation through Registered Post with Acknowledgement Due and the petitioner received the notices with acknowledgement due, similar notices were also issued dated 08.09.1976 and 21.03.1979, but the petitioner failed to avail the same it appears. However, except keeping the said compensation amount in revenue deposits, the respondent authorities not followed up the matter thereafter to see that the compensation was received by the petitioner atleast under protest.

8. It is a case of completion of the total acquisition process in the year 1976 itself under the LA Act, 1894 and non receipt of the deposited compensation amount by the petitioner under the above said facts and circumstances. The fair and reasonable compensation is the *sine qua non* for any acquisition process. The right to property is now considered to be not only a constitutional or statutory right, but also a human right. In a welfare State, the statutory authorities are legally bound to pay adequate compensation and rehabilitate the persons whose lands are being acquired. Once the compensation has been determined, the same shall be paid immediately without any requirement of representation or request by the land owners and a duty is cast on the State to pay such compensation to the land losers, otherwise there would be a breach of Article 300-A of the Constitution. The State cannot abdicate its constitutional and statutory responsibility of payment of compensation by stating that its role is limited only to initiation of acquisition proceedings and passing of the award. The delay in payment of compensation to the land owners after taking away the ownership and possession of the subject land from them is in contravention to the spirit of the constitutional scheme of Article 300A and the idea of a welfare state. The constitutional discourse on compulsory acquisitions, has hitherto, rooted itself within the ‘power of eminent domain’. Even within that articulation, the twin conditions of the acquisition being for a public purpose and subjecting the divestiture to the payment of compensation in lieu of acquisition were mandated.

9. The value of money is based on the idea that money can be invested to earn a return, and that the purchasing power of money decreases over time due to inflation. What the petitioner could have bought with the compensation in the year 1976 cannot do in the year 2026. It is, therefore, of utmost importance that the determination of the award and disbursal of compensation in case of acquisition of land should be made with promptitude.

10. Since it is a case of completion of process under the old Act, the new Act i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 cannot be invoked for the facts and circumstances of this case. However, as the above said compensation amount is not received by the petitioner till now as claimed, it is just and necessary to direct the respondents to pay the said compensation amount and other benefits if any with interest till the payment is made as under:

In the result, the respondent Nos.2 to 4 are directed to pay the awarded compensation of Rs.31,377.75 ps. with interest @ 12% per annum with effect from 09.04.1976 till the date of payment to the petitioner immediately within a period of two (02) months from the date of receipt of this order. Apart from that if the petitioner is otherwise entitled for any other benefits under the Land Acquisition Act, 1894 as on 09.04.1976, the same shall be determined along with interest @ 12% per annum with effect from 09.04.1976 till the date of payment and it shall be paid to the petitioner within the same period of two (02) months along with the above said awarded compensation amount with interest.

11. Accordingly, the writ petition is disposed of. Interim order, if any, deemed to have been vacated. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

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JUSTICE B KRISHNA MOHAN

08.05.2026
PND