



**IN THE HIGH COURT OF ANDHRA  
PRADESH  
AT AMARAVATI**

FRIDAY, THE 10<sup>th</sup> DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI**

**WRIT APPEAL NO: 830 OF 2026**

Writ Appeal under clause 15 of the Letters Patent to allow this Writ Appeal by setting aside the order dt.25.09.2025 in WP No.4720 of 2023 and pass

**Between:**

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Water Resources Management Dept., Irrigation and Command Area Development, Secretariat, Velagapudi, Amaravati.
2. The Special Collector (LA),, Galeru Nagari Sujala Sravanthi Project Kadapa, Kadapa District.
3. Special Deputy Collector (LA),, Unit-IV Somasila Project, Rajampet, Annamayya District. (Now at Kadapa, YSR Kadapa District)

**...Petitioners**

**AND**

1. RENDLA SUBBA REDDY, S/o.Subbaiah, aged 64 years.
2. Mukkara Goppi Reddy, S/o.Late Lakshmi Reddy, aged 70 years

3. Kudumula Krishna Reddy, S/o.Gopi Reddy, aged 64 years LR of Kudumula Mastanamma.
4. G Shuban Bee, W/o.Chakravarthy, aged 50 years, LR of Valluru Santaiah
5. Dunnuthula Polireddygaru Venkata Subba Reddy, S/o.Yella Reddy, aged 70 years.
6. Male Adilakshamma, W/o.Chinnapa Reddy, aged 52 years
7. Kothuru Lakshminarasamma, W/o.Ramachandra Reddy, aged 65 years, (All the Petitioners are Residents of New mallinenpatnam Village, Peddapalli Post, Siddavatam mandal, YSR District.

### **...Respondents**

**Counsel for the Petitioners: GP FOR LAND ACQUISITION**

**Counsel for the Respondents: NAGENDRA BABU.U**

### **WRIT APPEAL NO: 834 OF 2026**

**Between:**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Water Resources Management Dept., Irrigation and Command Area Development Secretariat, Velagapudi, Amaravati.
2. The Special Collector (LA), Gaieru Nagari Sujala Sravanthi Project, Kadapa, Kadapa District.
3. Special Deputy Collector (LA), Unit-IV Somasila Project, Rajampet, Annamayya District. (Now at Kadapa, YSR Kadapa District)

**...Petitioners**

**AND**

1. Rendia Subba Reddy, S/o.Subbaiah, aged 64 years.
2. Mukkara Goppi Reddy, S/o.Late Lakshmi Reddy, aged 70 years
3. Kudumula Krishna Reddy, S/o.Gopi Reddy, aged 64 years LR of Kudumula Mastanamma.
4. G Shuban Bee, W/o.Chakravarthy, aged 50 years LR of Valluru Santaiah
5. Dunnuthula Polireddygari Venkata Subba Reddy, S/o.Yella Reddy, aged 70 years,
6. Male Adilakshumma, W/o.Chinnapa Reddy, aged 52 years.
7. Kothuru Lakshminarasamma, W/o.Ramachandra Reddy, aged 65 years, (All the Petitioners are Residents of New mallinenpatnam Village, Peddapalli Post, Siddavatam mandal, YSR District.

**...Respondents**

**Counsel for the Petitioners: GP FOR LAND ACQUISITION**

**Counsel for the Respondents: NAGENDRA BABU.U**

**The Court made the following order:**

**\* THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI**

**+ I.A.NO.1 OF 2026 IN/AND WRIT APPEAL NO.830 OF 2026**

**AND**

**WRIT APPEAL NO.834 OF 2026**

% Dated: 10.07.2026

**W.A.Nos.830 and 834 of 2026:**

Between:

# The State of Andhra Pradesh and others.....Appellants

And

Rendla Subba Reddy and others .....Respondents

! Counsel for the appellants : Sri Dilip Naik, Asst.Govt.Pleader

^ Counsel for the Respondents : Ms.Sudeepthi Potluri

< GIST :

> HEAD NOTE :

? Cases referred:

(1988) 4 SCC 534

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**  
**CHINTALAPUDI**

**I.A.NO.1 OF 2026 IN/AND WRIT APPEAL NO.830 OF 2026**

**AND**

**WRIT APPEAL NO.834 OF 2026**

**W.A.Nos.830 and 834 of 2026:**

Between:

The State of Andhra Pradesh and others .....Appellants

And

Rendla Subba Reddy and others .....Respondents

**DATE: 10.07.2026**

**Submitted for approval:**

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|----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>Marked to Law Reporters/Journals.    | Yes/No |
| 3. Whether Their Lordship wishes<br>to see the fair copy of the Judgment?        | Yes/No |

**RAVI NATH TILHARI, J**

**PURUSHOTTAM KUMAR CHINTALAPUDI, J**

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI

**I.A.NO.1 OF 2026 IN/AND WRIT APPEAL NO.830 OF 2026**

**AND**

**WRIT APPEAL NO.834 OF 2026**

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

Heard Sri Dilip Naik, learned Assistant Government Pleader for Revenue, appearing for the appellants in both the writ appeals and Ms.Sudeepthi Potluri, learned counsel representing Sri U.Nagendra Babu, learned counsel for the respondents(the writ petitioners in W.P.No.4720 of 2023).

2. In the land acquisition proceedings pursuant to the notification dated 21.12.1991 the dispute was with respect to the making of the reference after the award under Section 18 of the Land Acquisition Act (in short 'the Act, 1894'). The writ petitioners/respondents filed W.P.No.4720 of 2023 for direction to the respondents therein to make the reference under Section 18 of the Act to the competent civil court.

3. The grievance raised was that their application/representation for making such reference was not forwarded.

There was an inaction on the part of the State Authorities.

4. The writ petition has been disposed of in terms of the order dated 20.06.2025 passed in the previous W.P.No.14578 of 2025.

5. Para No.3 of the impugned order dated 25.09.2025 reads as under:

*“Therefore, the present Writ Petition is disposed of in terms of the order dated 20.06.2025, passed in W.P.No.14578 of 2025. Office is directed to attach a copy of the said order along with this order. There shall be no order as to costs.”*

6. The order dated 20.06.2025 passed in W.P.No.14578 of 2025 is also reproduced as under:

*“The present writ petition is filed under Article 226 of the Constitution of India seeking following relief:*

*“to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction on the part of the 3<sup>rd</sup> respondent in not referring the petitioners’ applications under Section 18 of the Land Acquisition Act, 1894, to the competent civil Court for enhancement of compensation is illegal, irregular, irrational, violative of provisions of Land Acquisition Act, 1894 and offends Article 300-A of Constitution of India and consequently direct the 3<sup>rd</sup> respondent to refer the petitioners’ applications submitted under Section 18 of the Land Acquisition Act, 1894, to the competent civil Court and pass such other order or orders....”*

2. The case of the petitioners herein in brief is that the petitioners herein are the absolute owners and possessors of the agricultural lands situated in Rekalakunta Village (Sidhout Taluka), Gopavaram Mandal, YSR Kadapa District and their lands got identified as submerged lands under the Somasila reservoir Project. By confirming the same, the respondent authorities acquired the lands of the petitioners by invoking urgency clause under Section 17(1) of the Land Acquisition Act, 1894 by dispensing with Section 5(A) enquiry under provisions of the Act, 1894. Later, an award dated 06.02.1984 was also passed in favour of the petitioners herein.

3. The further case of the petitioners is that while passing of the award, the respondents awarded meagre compensation and the petitioners herein have received the said compensation under protest. Later the petitioners herein submitted their applications under Section 18 of the Act within the stipulated time requesting the respondent No.3 herein to refer their claims to the competent civil Court for enhancement of the compensation. Even after receipt of the said applications, respondent No.3 neither acted upon nor referred the matter to the competent civil court. Aggrieved by the said action, the petitioners herein filed the present writ petition.

3. Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

4. Learned counsel for the petitioners while reiterating the contents of the writ affidavit wherein reliance was placed on the orders dated 18.04.2019 passed by a Coordinate Bench of this Court in W.P.No.6358 of 2017 and prayed to allow the writ petition in similar lines.

5. Learned Government Pleader for the respondents reported no objection for submission made by the learned counsel for the petitioners.

6. In the decision relied upon by the learned counsel for the petitioners a coordinate Bench of this Court held as follows:

“The specific plea of the petitioners is that they have not signed in any consent forms. In view of the same, the respondents are directed to refer the matter to the civil Court under Section 18 of the Act and the civil Court is directed to

*decide the issue as to whether have signed consent forms along with reference under Section 18 of the Act.”*

*7. The facts of the case on hand are akin to the facts of the decision referred to supra relied upon by the learned counsel for the petitioners. Therefore, in terms of the said order and for the reasons stated alike, this writ petition can be disposed of in similar lines.*

*8. Accordingly, the writ petition is disposed of, directing the respondents to refer the matter to the civil Court under Section 18 of the Act and the civil Court is directed to decide the issue as to whether the petitioners have signed the consent forms along with reference under Section 18 of the Act without reference to the delay in referring the matter for further adjudication and enhancement of compensation. There shall be no order as to costs.*

*Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.”*

7. The writ appellants also filed review in I.A.No.1 of 2026 and the same has also been dismissed on 18.06.2026. The ground taken, in the review petition was that no application of the petitioners was traced in the office and no registered notices were found in the official records and consequently, the petitioners had not submitted any application under Section 18 of the Act, 1894. The said ground, on consideration, was not accepted by the learned Single Judge and the review was rejected.

8. Challenging the order dated 25.09.2025, W.A.No.830 of 2026 has been filed and challenging the order passed in the Review I.A.No.1 of 2026, W.A.No.834 of 2026 has been filed.

9. In filing W.A.No.830 of 2026 against the impugned order, there is delay of 239 days and for condonation thereof, I.A.No.1 of 2026 has been filed.

10. So far as the delay in filing the petition is concerned, after the order, in the writ petition, the appellants preferred the review and after rejection of the review, they have preferred both the appeals.

11. Considering the facts, in the affidavit as also that the appellants were availing the remedy of review against the impugned order, finding the sufficient cause in filing W.A.No.830 of 2026, I.A.No.1 of 2026 is allowed.

12. We proceed to consider the submissions advanced on the merit.

13. Learned Government Pleader for the writ appellants submits that the writ petitioners did not file any application for making reference under Section 18 of the Act, 1894. He submits that in the official records, there was no entry of any such application and any such application was also not traced in the office. He submits that in the writ petition those were instructions provided and the instructions were taken on record of the writ petition by order dated 29.01.2025. He further submits that in view thereof, the order in

the writ petition could not be passed directing to make the reference on the representation/application of the writ petitioners.

14. He further submits that those written instructions though on record, escaped consideration of the learned Single Judge. He further submits that in view thereof, in the absence of any representation having been filed by the writ petitioners, there was no question nor any occasion for the District Collector to refer the matter under Section 18 of the Act, 1894. He further submits that the award was passed on 08.03.1994 and the writ petition was filed in the year 2023 i.e. almost after 29 years. If the petitioner had really the grievance with respect to not making the reference to the Court by the Collector, they ought to have approached the Court within a reasonable time.

15. With respect to W.A.No.834 of 2026, challenging the order of review, learned counsel submits that for the said reason, as the said relevant aspect was not considered in the judgment passed by the learned Single Judge, the case for review was made on the ground that written instructions were already on record but were not considered. Consequently, his submission is that the learned Single Judge is not justified in dismissing the review as well.

16. Learned counsel for the respondents further submits that in the writ petition, itself the petitioners' case was of submitting the representation/written application to the District Collector through lawyer for making reference to the Court and that application was filed on 10.04.1994. No counter had been filed disputing the said application.

17. Learned counsel for the respondents/writ petitioners submits that the perusal of the application filed along with the writ petition, clearly shows that it was received and stamped thereon on receipt in the office of the District Collector.

18. Learned counsel for the respondents/writ petitioners submits that by order dated 29.01.2025 though the written instructions were taken on record but by the same order, the Writ Court directed the respondents in the writ petition to file the counter-affidavit. She submits that no counter was filed based on the written instructions received by the learned Government Pleader.

19. Learned counsel for the respondents submits that there is no illegality in the order passed by the writ court and for the same reason, no case for review was made out. The application for

review was rightly rejected. No case for interference is made out in the writ appeals.

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

21. A perusal of Page No.170 of W.A.No.830 of 2026 clearly shows that a written application by the writ petitioners through counsel was made to the Special Deputy Collector(LA), Somasila Project, Unit-IV, Rajapet. The same was not disputed by the present appellants by filing any counter-affidavit in the writ petition.

22. Though the written instructions were taken on record by the order dated 29.01.2025, the learned Single Judge vide the same order had directed to file the counter-affidavit. The said order dated 29.01.2025 reads as under:

*“Heard Sri M. Balaji, learned Counsel appearing on behalf of Sri U. Nagendra Babu, learned Counsel for the Writ Petitioners and Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenue, Land Acquisition, Stamps & Registration.*

*2. Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenue, Land Acquisition, Stamps & Registration has submitted the Written Instruction furnished by the Special Deputy Collector(LA), dated 28.01.2025 along with certain Proceedings. Copy of the Written Instruction and also the Proceedings are also supplied to the learned Counsel for the Writ Petitioners. The same is taken on record.*

**3. Having regard to the contents of the Written Instruction, let Counter Affidavit be filed within four weeks.**

**4. List the matter on 04.03.2025.”**

23. Para No.3 of the order dated 29.01.2025 clearly provided that “having regard to the contents of the Written Instruction, let Counter Affidavit be filed within four weeks”. Admittedly, counter-affidavit was not filed. The petition was decided on 23.09.2025 i.e. almost after eight months of the order dated 29.01.2025. Consequently, the contents of the writ petition relating to filing of the written application through counsel to the District Collector for making reference supported with the document i.e. written application dated 10.04.1994, remained unrebutted. Those were not controverted on affidavit. It is true that the written instructions were taken on record but taking on record of the written instructions by itself would not mean that the court was required to look into those written instructions and act thereupon. The writ court thought it fit to call for the counter-affidavit after the written instructions were taken on record. When the direction was given to file the counter-affidavit and the counter-affidavit was not filed, those written instructions could not be taken into consideration, against the writ averments or affidavit contrary to which there was no

counter-affidavit in rebuttal. The written instructions were meant for the Government Pleader, which were passed on to the Court and even if the Court had taken on record, unless those were placed before the Court on the affidavit, for which direction was given, the Court would not be required to look into those written instructions or to rely thereon.

24. In **Bharat Singh and others vs. State of Haryana and others**<sup>1</sup>, the Hon'ble Apex Court observed that when a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter-affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter, affidavit, as the case may be, the court will not entertain the point. Para No.13 of the same judgment reads as under:

*“As has been already noticed, although the point as to profiteering by the State was pleaded in the writ petitions before the High Court as an abstract point of law, there was no reference to any material in support thereof nor was the point argued at the hearing of the writ petitions. Before us also, no particulars and no facts have been given in the special leave petitions or in the writ petitions or in any affidavit, but the point has been sought to be*

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<sup>1</sup> (1988) 4 SCC 534

*substantiated at the time of hearing by referring to certain facts stated in the said application by HSIDC. In our opinion, when a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he is the respondent, from the counter-affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter, affidavit, as the case may be, the court will not entertain the point. In this context, it will not be out of place to point out that in this regard there is a distinction between a pleading under [the Code of Civil Procedure](#) and a writ petition or a counter-affidavit. While in a pleading, that is, a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter-affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it. So, the point that has been raised before us PG NO 1060 by the appellants is not entertainable. But, in spite of that, we have entertained it to show that it is devoid of any merit.”*

25. For not filing the counter-affidavit in terms of the court's order dated 29.01.2025, adverse inference must also be drawn which we draw that, the official respondents in the writ petition had no courage to file the affidavit, based on those written instructions to deny the contents of the writ petition and the document annexed with the writ petition in support of filing of the application under Section 18 of the Land Acquisition Act, 1894. The contents of the writ petition shall therefore taken as correct.

26. By the order under challenge passed in the writ petition, the direction has been given to the respondents in the writ petition to

refer the matter to the civil court. Once there was application on record and that too from its date, it transpires to us to be within the period of limitation as provided under Section 18 of the Act, 1894, there was justification for the order passed. There was no occasion for the writ court not to pass that order directing the District Collector to make the reference under Section 18 of the Act, 1894.

27. We are of the further view that if as per the case of the writ appellants, the application was not traceable in their office or was not registered, that makes no difference. Once its filing is proved and the learned Judge was satisfied based on the material about the filing of the written application under Section 18 of the Land Acquisition Act, 1894 and as we are also satisfied from the documents on record, the writ petitioners cannot be made to suffer for the inaction on the part of the writ appellants in not registering the application or in failing to trace out the same.

28. The learned Single Judge has further provided that the civil court shall decide the issue as to whether the writ petitioners had signed the consent form along with the reference under Section 18 of the Land Acquisition Act, 1894 and that too without reference to the delay in referring the matter for further adjudication and

enhancement of compensation. In view of that direction, it is for the civil court to make adjudication in accordance with the directions issued. We do not see any genuine grievance to the writ appellants in that regard. The grievance raised is that the direction for reference could not be made. We are not satisfied.

29. There is no illegality in the orders of the writ court.

30. In the result, I.A.No.1 of 2026 in W.A.No.830 of 2026 for condonation of delay is allowed. But W.A.Nos.830 and 834 of 2026 are dismissed. There shall be no order as to costs.

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

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**RAVI NATH TILHARI, J**

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**PURUSHOTTAM KUMAR CHINTALAPUDI, J**

Date: 10.07.2026

Note:

L.R. copy to be marked.

B/o.

PAB/GK



THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR  
CHINTALAPUDI

I.A.NO.1 OF 2026 IN/AND WRIT APPEAL NO.830 OF 2026

AND

WRIT APPEAL NO.834 OF 2026

DATE: 10.07.2026

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