

**HIGH COURT OF ANDHRA PRADESH : AMARAVATI**

**BEFORE CHIEF JUSTICE J.K. MAHESHWARI**

**&**

**JUSTICE M. SEETHARAMA MURTI**

**W.A Nos.12, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,**

**33, 34, 35, 36, 37, 38 and 39 of 2020**

**W.A. No.12 of 2020**

J. Nirmala Devi, w/o Sanjeev Rao, 54 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.20 of 2020**

BojjaVeeraiah, S/o Venkataiah, 53 years, Agriculturist,  
R/o Jamalapuram village, Veerlapadumandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.21 of 2020**

J. Nirmala Devi, w/o Sanjeev Rao, 54 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.23 of 2020**

J. Venkata Siva Prasad Rao, s/o Nageswar Rao, 49 years,  
Agriculturist, R/o Jammavaram village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.24 of 2020**

P. Nageswar Rao, S/o Venkateswar Rao, 51 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.25 of 2020**

M. Hanumantha Rao, S/o Venkateswar Rao, 45 years,  
Agriculturist, R/o Jammavaram village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.26 of 2020**

M. Visweswara Rao, S/o Venkateswar Rao, 46 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.27 of 2020**

P. Krishna Rao, S/o Bikshamaiah, 54 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.28 of 2020**

M. Panakala Rao, S/o Satyanarayana, 40 years,  
Agriculturist, R/o Perakalapadu village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.29 of 2020**

MallelaSambasiva Rao, S/o Abbaiah, 57 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.30 of 2020**

Kota Srinivasa Rao, S/o Mohan Rao, 42 years,  
Agriculturist, R/o Jujuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.31 of 2020**

A. BalaNagi Reddy, S/o A. Veera Reddy, 47 years,  
Agriculturist, R/o Jujuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.32 of 2020**

M.V. Krishna Rao, S/o Venkateswara Rao, 41 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.33 of 2020**

M. Nageswar Rao, S/o Venkataramaiah, 63 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.34 of 2020**

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai

.

..Appellant

Versus

1.G. Harikrishna, S/o Venkateswara Rao, aged 56 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal,  
Krishna District and others.

..Respondents

**W.A. No.35 of 2020**

M. VeeraKumari, W/o Nageswara Rao, 55 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.

..Respondents

**W.A. No.36 of 2020**

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai

..Appellant

Versus

1. Mallela Sambasiva Rao, S/o Abbaiah, aged 57 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal,  
Krishna District and others.  
..Respondents

**W.A. No.37 of 2020**

Gutha Narasimha Rao, S/o Satyanarayana,, 55 years,  
Agriculturist, R/o Gokarajupalli village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.38 of 2020**

J. Mallikarjuna Rao, S/o Anand Rao, 62 years, ,  
Agriculturist, R/o Jammavaram village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

**W.A. No.39 of 2020**

Rayapati Krishna Rao, S/o R. Veeraiah, 48 years,  
Agriculturist, R/o Jujjuru village, Veerlapadu Mandal, Krishna District.

..Appellant

Versus

1. The Hindustan Petroleum Corporation Limited,  
Vijayawada-Dharmapuri Pipeline project,  
Rep., by its General Manager, Mumbai and others.  
..Respondents

Sri J.U.M.V. Prasad, Counsel for the appellant in WA Nos.12, 20, 21, 23,  
24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38 and 39 of 2020 and  
1<sup>st</sup> respondent in WA Nos.34 and 36 of 2020.

Sri G. Ram Gopal, Counsel for respondents Nos.1 and 2 in WA Nos.12,  
20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 37, 38 and 39 of  
2020 and appellant in WA Nos.34 and 36 of 2020.

Sri J.U.M.V. Prasad, Counsel for the 1<sup>st</sup> respondent in WA Nos.34 and 36  
of 2020.

Government Pleader for Revenue for respondent No.3 in all the writ  
appeals.

Government Pleader for Forests for respondent No.4 in all the writ appeals.

Government Pleader for Agriculture for respondent No.5 in all the writ appeals.

**COMMON JUDGMENT (ORAL)**

**08.01.2020**

per J.K. Maheshwari, CJ

1. This order shall govern disposal of all the aforesaid appeals arising out of the common order dated 4.12.2019 passed by learned single Judge in batch of writ petitions viz., W.P.Nos.16967 of 2019 and batch.

2. The main grievance of the writ petitioners/appellants is that after acquisition of the land of the writ petitioners as per the provisions of Petroleum & Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as 'Act, 1962'), by following the procedure as contemplated under Sections 4 and 6 of the Land Acquisition Act, for the purpose of determination of compensation, due procedure as specified in Sections 8, 9 and 10 has not been followed, while the other side contends that as prescribed under the Act, 1962 procedure has been followed preparing panchanama through Government agencies; therefore, in the matter of determination of compensation, there cannot be any dispute and in case, the appellants are aggrieved by the amount of compensation so decided by the Government passing an award, they are having a remedy as per Section 10(2) of the

Act, 1962. In view of the foregoing, it is urged that the learned single Judge has rightly disposed of the writ petitions.

3. Learned Counsel for the appellants has strenuously urged that it is a case in which the land was acquired for laying down pipeline, but the factual scenario of affording due opportunity by way of panchanama, has not been brought on record, however, the writ petitioners want to take recourse of law under Section 10(2) of the Act, 1962, and in the absence of evidence in respect of the trees in question, which are going to be demolished by laying down a pipeline, they may not be in a position to establish their genuine claim bringing cogent evidence to that effect; therefore, appropriate directions may be issued to the effect that, while using the land of the individual writ petitioners, the area where the pipeline is being laid and the present situation basing on which, the compensation is to be granted, be photographed; measurement of the trees and other items for which compensation may be determined may be brought on record in the presence of individual writ petitioners in respect of the respective lands; with the modification of the order of the learned single Judge as above, these writ appeals may be disposed of.

4. After hearing the learned Counsel for the appellants, the Counsel for respondents as well as the learned Government Pleaders, we are of the considered opinion that, determination of the amount of compensation of the land acquired for the purpose of laying down the pipe line is based on factual aspects. Those factual aspects, as they exist as on the date of laying down the

pipe line, must come on record in the presence of the parties, thereby enabling determination of due amount of compensation. However, in this regard in place of issuing an interim direction, survey, if any, is made regarding the land of the individual writ petitioners, in addition to the direction by the learned single Judge, it is directed that the respondents shall continue to lay down the pipeline, but while doing so, with respect to the land, they shall take photographs of the number of trees and also the measurements and their age, by giving notice, to the other side and in the presence of all the parties. After completion of this process, they will carry on with the work of laying down pipeline. After taking all these evidence, one set be supplied to the writ petitioners and one copy may be kept in the record. After determination of compensation, if the individual petitioners are aggrieved, they are at liberty to take recourse as contemplated under Section 10(2) of the Act, 1962.

5. In view of the foregoing, all these writ appeals stand disposed of. No costs. As a sequel all the pending miscellaneous applications in these cases are closed.

**J.K. MAHESHWARI, CJ**

**M. SEETHARAMA MURTI, J**

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**HIGH COURT OF ANDHRA PRADESH : AMARAVATI**

**CHIEF JUSTICE J.K. MAHESHWARI**

**&**

**JUSTICE M. SEETHARAMA MURTI**

**W.A Nos.12, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,**

**33, 34, 35, 36, 37, 38 and 39 of 2020**

(Per J.K. Maheshwari, CJ)

Dt: 8.1.2020

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