

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.16146 of 2007

Date: 04-11-2015

Between:

Meenam Narsaiah and another

.... Petitioners

AND

The Government of Andhra Pradesh, represented

By its Principal Secretary, Irrigation and Command

Area Development Department, Hyderabad and

3 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.16146 of 2007

ORDER:

-

The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents to pay the determined compensation amount together with interest to the petitioners in respect of the acquired land as per the judgment and decree dated 03-03-2001 in O.P.No.38 of 1996 on the file of Senior Civil Judge, Miryalaguda as confirmed in A.S.No.2263 of 2001 dated 16-10-2006 by this Court.

The facts leading to filing of the writ petition are that the petitioners are absolute owners of small extents of land situated at Zapthi Veerappagudem, Miryalaguda

Mandal, Nalgonda District. The father of the 2nd petitioner, who was the original claimant died without enjoying the benefits and thereafter, the 2nd petitioner joined as his legal representative. It is said that their lands were acquired along with the lands of others under the Land Acquisition Act for formation of Command Area Development Authority roads under Nagarjuna Sagar Project by issuing a notification under Section 4 (1) of the Land Acquisition Act on 14-02-1980. The 2nd respondent passed an Award No.34/93-94 under the Act. Thereafter, on a reference being made to Civil Court in O.P.No.38 of 1996, the compensation was enhanced, which was confirmed in A.S.No.2263 of 2001. Pursuant to the said judgment and decree dated 16-10-2006, which has become final, the petitioners filed E.P.No.107 of 2001 before the Senior Civil Judge, Miryalaguda and also obtained an order of attachment of movable property. It is stated that till today no amounts were paid to the petitioners. Since the efforts of the petitioners to realize the amount proved futile, they filed the present writ petition.

Insofar as maintainability of the writ petition is concerned, no objection has been raised by the learned counsel for the respondents in view of the Larger Bench of this Court in **Bimilipati Annapurna Bhavani v. Land Acquisition Officer** reported in 2005 (3) ALD 233. Coming to the issue of payment of compensation, an amount of Rs.19,04,836-54ps plus interest, as per the calculation memo, is the amount which is payable to the petitioners. Though the decree came to be passed in the year 2001, which was confirmed by this Court in A.S.No.2263 of 2001 and batch dated 16-10-2006, till date not even a single pie has been paid to the petitioners.

In view of above facts and circumstances of the case, the respondents are directed to deposit the decretal amount including interest within a period of (8) weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 04-11-2015

Ksn