

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.19716 OF 2015

DATED:09-12-2015

Between:

Mr. T.V.K. Murthy

... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary,
Municipal Administration
Secretariat
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER: Ms. G. Vijayalakshmi,
for Mr. Kuriti Bhaskara Rao

COUNSEL FOR RESPONDENT NO.1: G.P. for Municipal
Administration (TS)

COUNSEL FOR RESPONDENT NOs.2 and 4: Mr. Y. Rama Rao,
Standing Counsel for H.M.D.A.

THE COURT MADE THE FOLLOWING:

ORDER:

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The petitioner, who was a Standing Counsel for respondent No.2, filed this writ petition with the grievance that he is not being paid legal fee and expenditure.

The Member Estate Officer of respondent No.2 has filed a counter affidavit wherein it is *inter alia* stated that the petitioner, who was a Government Pleader for Revenue, was appointed as Standing Counsel for the Hyderabad Metropolitan Development Authority (HMDA), by order dt.05.01.2013 as per the usual terms and conditions and fee structure issued by the HMDA on 11.03.2010, which was subsequently revised on 31.01.2013. He has further averred that the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 directed the HMDA to file Form I, by order dt.09.01.2013 and 15 cases filed by it against 746 encroachers were numbered as L.G.C. Nos.13 to 27 of 2014 and the petitioner has sent individual letters for each case claiming bill for a total amount of Rs.12,90,000/-, including an amount of Rs.5,64,000/- towards miscellaneous expenses and Rs.7,26,000/- towards 50% of legal fee. That as per the fee structure issued on 31.01.2013, the legal fee the petitioner entitled to receive is Rs.12,000/- per case payable in two instalments, namely 50% of the legal fee will be paid after filing of the counter affidavit and the remaining 50% will be paid after disposal of the case and the petitioner is also entitled to receive Rs.2,000/- per case towards legal expenses (miscellaneous expenses) which will be paid along with 1st instalment of the fee after filing counter affidavit. That the petitioner is entitled to a sum of Rs.90,000/- at the rate of Rs.6,000/- towards part legal fee and also Rs.30,000/- at the rate of Rs.2,000/- towards legal expenses. That accordingly, the petitioner is

entitled to a sum of Rs.1,20,000/- and after deducting advance tax, cheque dt.21.10.2013 for Rs.1,11,000/- was sent to the petitioner. That further the petitioner issued letter dt.04.11.2013 to respondent Nos.2 and 3 claiming a sum of Rs.5,05,000/- by reducing his earlier claim, which was rejected by respondent No.2 with a request to the petitioner to accept the cheque for Rs.1,11,000/-. That by letter dt.09.01.2014 the petitioner declined to receive the cheque and returned the same to respondent No.2. The deponent of the counter expressed his readiness and willingness to issue a fresh cheque for Rs.1,11,000/- as per the fee structure dt.31.01.2013.

As regards the quantum of fee payable to the petitioner, learned counsel for the petitioner has not disputed the fact that her client is governed by the revised fee structure dt.31.01.2013 as per which he is entitled to 50% of the legal fee, namely Rs.6,000/- per case, after filing of the counter affidavit. She has also not disputed the fact that 15 Land Grabbing Cases, which have been filed by the petitioner, are pending. Therefore, to the extent of legal fee, this Court has no reason to reject the stand of respondent Nos.2 and 3.

As regards the expenses, if the petitioner has incurred the expenditure in sending notices to all 746 persons impleaded as respondents in the Land Grabbing Cases filed on behalf of respondent Nos.2 and 3, I do not find any justification to restrict the expenses only to Rs.2,000/- per case. Therefore, to the extent of this expenditure, I find the stand of respondent Nos.2 and 3 as highly unreasonable. Therefore, they are directed to reconsider the request of the petitioner for reimbursement of the expenditure allegedly incurred by the petitioner in sending notices to 746 respondents in the Land Grabbing Cases. Within two weeks from the date of receipt of this order, the petitioner shall submit a detailed representation in this regard along with proof of his incurring expenditure in sending the notices. Within one month after receipt of the said representation, Member Estate Officer of respondent No.2 shall fix a meeting with the petitioner and if

he finds that the petitioner has incurred the expenditure, or any part thereof as claimed by him, respondent Nos.2 and 3 shall reimburse the same. If the Member Estate Officer is not satisfied with the material produced by the petitioner regarding the expenditure, he shall communicate his decision in writing to the petitioner.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.25455 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

09-12-2015

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