

HON'BLE SRI JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT APPEAL No. 407 OF 2015

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P.C: (per the Hon'ble Sri Justice Dilip B. Bhosale)

Heard learned counsel for the appellant and Ms. Sridevi Juvvadi, learned Government Pleader for Land Acquisition for respondent No.1.

Learned counsel for the appellant submits that the appellant would be satisfied if respondent No.1 refers the dispute, as per the impugned order dated 22-12-2011, to the competent civil Court, with direction to decide the reference within time frame.

We have perused the order dated 22-12-2011 passed in Writ Petition No.8279 of 2011. By this order, the writ petition filed by respondent No.2 was allowed with direction to respondent No.1 to forthwith refer the dispute, under Sections 30 and 31 (2) of the Land Acquisition Act, 1894, to the competent civil Court and ensure that it is registered expeditiously and in any case within two months from the date of receipt of the order. Despite such direction, this Court is informed, respondent No.1 has not referred the dispute for the reasons best known to him. As a matter of fact, prima facie, inaction on the part of respondent No.1, may amount to contempt, and we could have issued notice to him as to why action under the provisions of the Contempt of Courts Act, 1971 be not taken against him. However, having regard to age of the parties and over all facts and circumstances of the case, we refrain from issuing any such notice at this stage to avoid further delay, and we are satisfied that the following order shall meet the ends of justice:

“Respondent No.1 shall comply with the order dated 22-12-2011, impugned in the present writ appeal, within a period of six weeks from today. Learned Government Pleader appearing for respondent No.1 undertakes to communicate this order to respondent No.1 within a period of one week from today. Her undertaking is accepted. It is made clear that if respondent No.1 fails to make

reference within the stipulated time, this Court shall issue notice to respondent No.1 for having committed disobedience of the order issued by this Court.

We also direct the civil Court, to which reference will be made, to decide the same as expeditiously as possible, and preferably within in a period of six months from the date of reference, on merits. Parties are directed to cooperate for disposal of the reference within the stipulated time. It is needless to mention that the civil Court shall issue notice to the appellant and respondent No.2 and after giving them an opportunity of being heard, shall decide the reference.

Learned Government Pleader is directed to communicate this order to respondent No.1, as aforementioned, within a period of one week from today.”

With these observations, the writ appeal is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

30-04-2015

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