

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.Nos.801, 806 and 809 of 2015

COMMON ORDER :

Since a common point arises for consideration in all these Revisions, they are therefore being disposed of by this common order.

2. Land belonging to petitioners had been acquired and an award had been passed on 21.01.2009. The Land Acquisition Officer deposited certain amounts into the Court, including the amount representing compensation for the properties of petitioners herein, since the matter was referred to the Civil Court under Sections 30 and 31 of the Land Acquisition Act, 1894.

3. Thereafter, the matter appears to have been compromised and compromise memos were also filed, but the Court below dismissed the application filed to record the compromise.

4. This was questioned in CRP.No.2239 of 2012 and batch.

5. This Court by order dt.22.03.2013 allowed the said Revisions and directed the Court below to number the applications and dispose of the same in accordance with law.

6. Thereafter, the compromise applications were considered and compromise between the parties was recorded by the Court below. Subsequent thereto, an application seeking issuance of a cheque was filed by each of the petitioner herein. These applications were returned by the Court below on the ground that the amount involved is Rs.77,32,940/- and that it is above the pecuniary jurisdiction of the Court. It also observed that undertaking should be given by each of the petitioners.

7. Challenging the same, the present Revisions are filed.

8. Heard Sri C. Ramesh Sagar, counsel for petitioners; and the learned Government Pleader for Arbitration (Telangana) for respondents.

9. The counsel for petitioners contended that once the compromise had been recorded by the Court below and pursuant to the said compromise, amounts are sought to be withdrawn by petitioners, it is not open to the Court below to state that since the amount involved is high and above its jurisdiction, it will not consider the cheque petitions; that the OP in question is a reference under the Land Acquisition Act, 1894 and cannot be equated to a civil suit; that the proceedings of the Andhra Pradesh Court Fees and Suits Valuation Act, 1956 do not apply; and since the amount in question admittedly belongs to

petitioners, there is no necessity for petitioners to file any undertaking as requested by the Court below. He therefore contended that the cheque petitions cannot be rejected on these grounds.

10. The learned Government Pleader appearing for respondents did not dispute the contentions raised by counsel for petitioners.

11. Admittedly, the compromise applications filed by each of the petitioners had been recorded by the Court below. Therefore, it cannot claim that it has no jurisdiction when it comes to issuing cheques in favour of petitioners pursuant to the said compromise. In any event, the question of petitioners furnishing any undertaking for the amounts which they are seeking to withdraw, does not arise, since the amounts in question admittedly belong to them. Therefore, the objections raised by the Court below in its docket orders dt.19.11.2014 and 12.11.2014 are held unsustainable. The Court below is directed to number the said applications filed by petitioners under Rules 230 to 235 of the Civil Rules of Practice, and consider the same in accordance with law and decide them.

12. The said exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order.

13. Accordingly, the Civil Revision Petitions are allowed. No order as to costs.

14. As a sequel, miscellaneous petitions pending, if any, in these Revisions shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14.10.2015

Ndr/