

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.40470 OF 2015

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ORDER :

Heard.

The petitioner, who is stated to be appointed as Muthawalli of Darga Hazrat Shah Zaheeruddin Baba Shah Hussaini of Kutagula Village, Kadiri Town, Anantapur District, states that his applications, dated 18-02-2015 and 09-03-2015 made to respondents 3 and 4 respectively for giving compensation to the Wakf Institution is not being considered by respondents 3 and 4.

The facts of the case, however, show that the compensation with respect to the acquisition proceedings relating to the said institution was already subject matter of a reference before competent civil Court in O.P. No.23/96. Though the date of disposal is not mentioned anywhere in the record, learned counsel for the petitioner states that it was decided couple of years back and that because of negligence of the manager of the Wakf Institution, no compensation was awarded to the Institution. Hence, he made the applications, referred to above, before respondents 3 and 4.

It is already endorsed by the 3rd respondent in Rc.No.1620/15/D, dated 10-07-2015, which is filed as Ex.P-3, informing the petitioner to take appropriate steps, as the dispute as to apportionment is already decided by a competent civil court and respondents 3 and 4 cannot sit in judgment over that.

Evidently, since the apportionment of compensation is already adjudicated by the competent civil court, if the petitioner is aggrieved thereby, he has to avail remedy available under law and his applications, as referred to in the prayer, cannot be considered by respondents 3 and 4 as they have no power to adjudicate upon the issues already settled by the judgment of the competent civil court.

Hence, no relief can be granted to the petitioner in this writ petition. However, this will not preclude the petitioner from availing appropriate remedy against the order of the civil court in the said reference under Section 30 of the Land Acquisition Act.

Accordingly, the writ petition is disposed of. No costs

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date:14-12-2015

Prv

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