

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

CONTEMPT CASE NO.188 OF 2015

Between :

Panditi Syam Prasad, s/o. late Tirupataiah,
Aged about 42 years, Occu: Business,
R/o.10-2-8, G.B.C.Road, Bapatla, Guntur Dist
and others.

.... Petitioners

And

Sri Kantilal Dande, I.A.S., Collector,
Guntur District, Guntur and others.

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 27.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : Yes / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

HON'BLE SRI JUSTICE P.NAVEEN RAO
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ORDER:

This Court disposed of the W.P.No.2576 of 2011 dated 26.02.2014 directing the respondent authorities to determine the compensation payable to the petitioners for the land acquired from them which was subject matter of Award No.6 of 2010, if necessary, by passing a supplementary award and directed to take such a decision within a period of three months from the date of receipt of copy of that order. The Court also gave liberty to the petitioners to avail the remedy provided to them under Section 18 of the Land Acquisition Act, 1894 (for short, 'Act, 1894') if the amount of compensation determined as directed is not agreeable to them.

2. Alleging that said orders are not complied with, this contempt case is filed. A supplementary award was passed on 22.4.2015 determining the compensation payable to the petitioners together at Rs.1,95,04,687/-. However, earlier when the matter was taken up for consideration, compensation was not paid. On 26.06.2015, this Court was informed that out of the compensation determined, except an amount of Rs.4,58,750/- payable to five awardees, the rest of the compensation determined was paid to the beneficiaries. It is further reported that five awardees could not be paid as bank details were not available.

3. When the matter was taken up on 24.07.2015, Court was informed that the balance amount was also given to the five beneficiaries and that total amount payable was already paid.

4. Learned counsel for the petitioner seriously disputes the manner in which the supplementary award is passed and amount of compensation

determined. He submits that provisions of the new Act would apply for passing of supplementary award and determination of compensation. Learned counsel further submits that aggrieved by the supplementary award, petitioners filed W.P.No.21274 of 2015 and the same is pending for consideration by this Court. He further submits that in order to save the time as prescribed under Section 18 of the Act, 1894 and to avoid scope to respondents to raise an objection that application was not submitted in time for enhancement of the compensation under Section 18 of the Act, 1894, under the protest petitioners have also filed applications invoking Section 18 of the Act, 1894.

5. As seen from the order passed by this Court, the court only directed passing of supplementary award. Thus, supplementary award is passed and compensation determined was paid in compliance of the order of this Court. Thus, it cannot be said that there is a wilful and deliberate disobedience of the orders this Court warranting continuation of the contempt proceedings. Whether the supplementary award is validly passed and whether the petitioners are entitled to higher compensation cannot be gone into in the contempt proceedings. As petitioners have already challenged the supplementary award in W.P.No.21274 of 2015 and they have also sought for reference to Civil Court for enhancement of compensation under Section 18 of repealed Act, by leaving it open to the petitioners to raise all the contentions as well as their entitlement for enhancement of compensation as available in law in the pending writ petition, the contempt case is closed.

Miscellaneous petitions if any pending in the contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.07.2015

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