

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.4254 of 2006

ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* directing the 1st respondent – Revenue Divisional Officer, Jammalamadugu to re-determine the compensation under Section 28-A of the Land Acquisition Act payable to the petitioner in the light of the judgment of this Court dated 12-08-1998 made in A.S. No.1236 of 1993 in respect of petitioner's land to an extent of Ac.2.00 cents comprised in Sy.No.576/7A of Proddatur town and village, Kadapa District.

The brief facts of the case are as follows :

The land belonging to late father of the petitioner to an extent of Acs.2.00 cents in Sy.No.576/7A of Proddatur Town was acquired along with some other lands belonging to several others under a notification under Section 4 (1) of the Land Acquisition Act. After following the procedure prescribed under the Act, the 1st respondent passed an Award bearing No.1/82, dated 05-11-1982 fixing the market value of the acquired lands at Rs.37,500/- per acre. Aggrieved by the market value fixed by the Land Acquisition Officer, one R.G. Prasad, one of the claimants in Award No.1/82, sought reference under Section 18 of the Act to a civil Court and accordingly, the matter was referred to a civil Court, which was taken on file as O.P. No.58 of 1988 on the file of the Court of the Subordinate Judge, Proddatur. The Reference Court by its Judgment, dated 26-10-1992 enhanced the market value from Rs.37,500/- per acre to Rs.1,00,000/- per acre.

Therefore, the petitioner preferred an application under Section 28-A of the Act to the District Collector, Kadapa, requesting re-

determination of the amount of compensation at Rs.1,00,000/- per acre on the basis of the amount of compensation awarded by the reference Court in the O.P. No.58 of 1988. As there was no response from the District Collector for a long time, the petitioner got issued a notice to the District Collector through an Advocate, to which, in reply, the 1st Respondent sent a communication vide Ref.No.E/6794/93, dated 31-12-1993 informing that the Land Acquisition Officer has filed A.S. No.1236 of 1993 before this Court against the order passed in O.P. No.58 of 1988 and the said appeal was disposed of by this Court on 12-08-1998 reducing the market value from Rs.1,00,000/- per acre to Rs.65,000/- per acre.

Even after disposal of the said appeal on 12-08-1998, till date, the 1st respondent has not considered petitioner's request and passed any order. The petitioner also approached the Lok Adalat by way of Pre Litigation Case No.45 of 2004, where also the 1st respondent was not present. Hence, the Lok Adalat also directed the petitioner to approach the Court of law. Thus, the petitioner filed the instant writ petition.

From the above facts and circumstances of the case, it is evident that the amount, for which the petitioner is legally entitled, is not paid to him by the 1st respondent herein, even though a representation was made by the petitioner on 19-01-1993. Considering the said fact, the 1st respondent herein is directed to pass appropriate orders within a period of three months from the date of receipt of a copy of the order by this Court. If there is any failure on the part of the 1st respondent, the petitioner is at liberty to approach this Court.

With the above observations, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

31st March, 2015

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