

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Civil Revision Petition No.1282 of 2015

ORDER:

Heard Sri J.Prabhakar, Learned Counsel for the petitioner, and Sri P.Jagadish Chandra Prasad, Learned Standing Counsel for Visakhapatnam Urban Development Authority (for short "VUDA")-1st respondent and, at their request, the CRP is disposed of at the stage of admission. This revision is preferred by the petitioner in I.A.No.1168 of 2014 in LAOP No.348 of 1980. I.A.No.1168 of 2014 was filed by the petitioner (claimant No.6 in LAOP No.348 of 1980) seeking payment of Rs.12,67,510/-.

The Special Deputy Collector, Land Acquisition, VUDA passed an award on 31.03.1979 determining the compensation payable, for acquisition of a total extent of Ac.15.71 cents of land, by VUDA. The petitioner's claim is limited to an extent of Ac.2.52 cents from out of the total extent of Ac.15.71 cents of land. In the order under challenge in this revision, the Court below recorded that notices were issued to the respondents who were the other claimants, and the Land Acquisition Officer, but they did not appear before the Court. The petitioner has stated, in this revision, that respondents 2 to 6 are not necessary parties. Sri J.Prabhakar, Learned Counsel for the petitioner, submits that, in as much as respondents 2 to 6 did not appear even before the Court below, they are not necessary parties to the revision preferred by the petitioner against the order of the Court below. The Court below has also noted that a sum of Rs.4,18,047.56 paise was deposited by VUDA on 15.09.1982; Rs.4,26,737.10 paise was deposited on 30.12.1982; Rs.3,28,623.59 paise was deposited on 09.09.1983; in all, Rs.11,73,408.25 paise was deposited by VUDA; and the amount deposited by VUDA was invested in fixed deposits, and Rs.36,42,410.49 paise had accrued towards interest thereon. The Court below held that the increase in the principal amount was 3.10 times; the petitioner was entitled to claim a sum of Rs.6,36,866/-

towards interest; and she was entitled to claim a total sum of Rs.8,42,042/-, and not Rs.12,67,510/- as claimed by her. An account payee cheque for Rs.8,42,042/- was directed to be issued in her favour.

Sri J. Prabhakar, Learned Counsel for the petitioner, would submit, not without justification, that the total compensation amount invested in fixed deposits, with interest till the date of the order passed by the Court below, represents the amount paid as compensation for a total extent of Ac.15.71 cents of land acquired by VUDA; from out of the total compensation received, for the entire extent of Ac.15.71 cents of land, the petitioner should be paid compensation for Ac.2.52 cents of land acquired from her; the amount, representing interest of Rs.36,42,410/-, was invested in fixed deposits in the year 2006; the Court below did not take into account the interest accrued thereon, from 2006 till it passed the order on 17.03.2015; and, as a result, the petitioner has not received her due share of the compensation amount.

The petitioner is entitled to be paid compensation for an extent of Ac.2.52 cents of land acquired from her, with interest till the date of payment. It does appear that the Court below has not taken into consideration the interest accrued, on the compensation amount invested in fixed deposits, till the date when it passed the order dated 17.03.2015. Sri J.Prabhakar, Learned Counsel for the petitioner, would submit that the Court below ought to have either obtained information from the respective banks, where the amounts have been kept in fixed deposits, regarding the interest accrued on these fixed deposits till 17.03.2015, or should have cancelled all the fixed deposits and, based on the amount realized, determined the proportionate share of the petitioner. These are all matters for the Court below to examine in accordance with law, and this Court would not undertake any such exercise in proceedings under Article 227 of the Constitution of India.

Suffice it to hold that the petitioner would be entitled for compensation for the extent of Ac.2.52 cents of the land, acquired from her, from out of the total extent of Ac.15.71 cents of land acquired by VUDA. As the compensation awarded for the entire extent of Ac.15.71

cents were kept in fixed deposits, the Court below, may have to ascertain, from the respective banks, the interest accrued thereon till 17.03.2015, in order to determine the compensation amount which the petitioner is entitled to. Needless to state that, in determining the compensation amount, which the petitioner is entitled to, the Court below shall deduct Rs.8,42,042/- already paid to her.

As the petitioner is a 93 years old lady, the Court below is requested to decide the matter with utmost expedition, preferably within two months from the date of receipt of a copy of this Order, after giving the parties an opportunity of being heard.

The Civil Revision Petition is, accordingly, disposed of. The Miscellaneous Petitions, if any pending, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, J)

Date:03.07.2015.

Note:

Issue C.C. within a week.

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