

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.13153 OF 2013

ORDER:

Heard learned counsel for the petitioner and the Government Pleader.

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

The petitioner prays for Mandamus declaring the inaction of the respondents in depositing the decretal amounts payable to the petitioner to the credit of E. P. No.1036 of 2011 in LAOP No.543 of 2003 in the Court of Principal Senior Civil Judge, Nandyal, Kurnool District, as illegal, arbitrary and consequently prays for deposit of E.P. amount forthwith.

The facts are not in issue between the parties.

The respondents issued notification dated 01.07.2000 under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing to acquire lands belonging to the petitioner. It is matter of record that on 30.11.2000 advance possession of the lands has been taken by respondents. On 03.12.2001, the respondents passed award fixing the market value as Rs.42,000/-per acre and Rs.49,000/- per acre to two categories of land acquired through 4(1) notification dated 01.07.2000. The claimant under protest has got the determination referred to civil Court under Section 18 of the Act. The Principal Senior Civil Judge through judgment and decree dated 08.07.2004 enhanced the compensation from Rs.42,000/-, Rs.49,000/- to Rs.2,78,000/- bringing both the categories under one category. The judgment in L.A.O.P.No.543 of 2003 is subject matter of A.S. No.4108/2004. Through judgment dated 26.09.2008, the A.S. was dismissed and the cross objections filed by the claimant was allowed. Hence, the E. P.

The respondents filed counter affidavit. To justify delay in depositing the amount, it is averred that the State carried the matter to the Apex Court by way of Special Leave Petition against the enhancement of compensation by this Court in the cross objections filed by the claimant. At the time of hearing, it is stated that the SLP was dismissed.

The delay either in releasing amount or sending appropriate communication on the part of the Secretary to Government is certainly not compatible to the facts and circumstances of the case. The respondents, being land acquisition officers under the Act, perform statutory functions, and their obligations defined by the Act. Being the beneficiary of acquired land, the responsibility is with the Secretary to Government, Irrigation to ensure release of compensation for the acquisition of land for any of the projects implemented by the Government. The delayed payment or for that matter, the non-payment amounts to arbitrary denial and is unconstitutional. At the time of hearing, the respondents who are present in the Court through the Government Pleader place on record that all steps required in this behalf for depositing the enhanced compensation will be taken up and completed by depositing the difference of compensation amount within two months from today. The submission of the respondents is considered. As the responsibility is with the Secretary to Government, I & CAD to ensure disbursement of amount, the respondents are given liberty to communicate a copy of this order for timely implementation. Such communication is useful for further appropriate decision against the respondents, who do not implement the order of the Court.

The writ petition is ordered as indicated above and the respondents are directed to deposit the amount to the credit of E.P.No.1036 of 2011 in LAOP No.543 of 2003 within a period of two

months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V. BHATT, J

Date:18.02.2015

Stp