

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.18968 of 2009

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ORDER :

This Writ Petition is filed seeking to issue a writ of *Mandamus* to declare the inaction on the part of the respondents in the matter of payment of compensation to the petitioner-decree holder in E.P. No.72 of 2004 in O.P. No.618 of 1985 on the file of the Court of Subordinate Judge, Karimnagar pursuant to the Award and Decree in O.P. No.618 of 1985 dated 13-03-1989 (A.S.No.2610 of 1989, dated 17-10-1998) as illegal and arbitrary and consequently direct the respondents to pay compensation amount in terms of the judgment and decree together with all statutory benefits and interest till date forthwith.

When the matter is taken up for hearing, it is learnt from the counter that respondents are also willing to pay the compensation amount, even though there is some dispute regarding the calculation of the amount. It is also stated in the counter that as per their calculation, the Department has to pay only Rs.1,65,28,386/-, but not Rs.5,00,00,000/- as claimed by the petitioner. It is also stated in the counter that the petitioner, with a view to grab excess amount, is calculating interest on interest for which he is not entitled. However, the fact remains that even though the order was passed on 13-03-1989, the compensation amount is not paid to the petitioner so far.

Having heard the learned counsel on either side and perused the material available on record, this Court is of the view that the Writ Petition can be disposed of as follows :

The Respondents 2 to 4 are directed to expedite the proceedings and deposit the undisputed compensation amount of Rs.1,65,28,386/- before the concerned court, if the same is not yet

deposited, on or before 30-08-2015. On such deposit, the petitioner is at liberty to withdraw the same. Insofar as the dispute regarding the calculation of the amount, the same can be decided by the civil Court where the O.P is pending.

Accordingly, 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

16th April, 2015

Note : Registry is directed to issue the copy of the order after amending the causetitle of the Respondents 1 and 2 by replacing the words "State of Telangana" in the place of the words "State of Andhra Pradesh".

B/O

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