

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17188 of 2005

ORDER:

1. This writ petition is filed seeking to declare the award No.10/2004 dated 16.9.2004 passed by the 1st respondent as illegal and consequently, to direct the 1st respondent herein to hold a fresh award enquiry after following the procedure prescribed under the Land Acquisition Act.

2. It is averred in the affidavit that the parents of respondents 3 to 7 agreed to convey an extent of Ac.1.79 cents out of total extent of Ac.2.84 cents in Sy.No.80/1 (New Sy.No.228/1) situated in Kollivaripalem, H/o Moturupalem, Rambilli Mandal, Visakhapatnam District to the petitioners for a sum of Rs.3,000/-. During the life time of the parents of respondents 3 to 7, though the petitioners demanded them to receive the sale consideration and execute the sale deed, they did not do so. Subsequently, the parents of respondents 3 to 7 died. After the death of their parents, respondents 3 to 7 succeeded to the properties of their parents including the subject land. When the petitioners requested them to execute the sale deed, they were not coming forward for execution of sale deed and hence, the petitioners approached the Civil Court by filing a Suit for specific performance of the said agreement of sale. While so, the petitioners came to know that the land in question was going to be acquired by the Government of A.P. by initiating the proceedings under the Land Acquisition Act. As the names of the petitioners were not figured in the notification, they addressed a letter to the Special Deputy Collector bringing all the above facts to their notice and requesting him not to pay the compensation amount to respondents 3 to 7 till disposal of the civil suit. The petitioners received a memo dated 27.6.2005, from the Special Deputy Collector, in which it is stated that the compensation

amount was paid to respondent No.7 as per award No.10/04, dated 16.9.2004 as the petitioners did not file any objections during the award enquiry. Hence, the petitioners filed the present writ petition.

3. When this matter has come up for hearing, the learned Counsel for the petitioners submitted that the Civil suit filed by the petitioners for specific performance of an agreement of sale was dismissed by the Civil Court and the petitioners have not preferred any appeal against the judgment in the said suit. Further, the learned Counsel for the petitioners fairly conceded that on the basis of an agreement of sale, the petitioners cannot claim any compensation, and that nothing survives for adjudication in this writ petition.

4. Recording the above submission, this Writ Petition is disposed of as infructuous. No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Dated:20th February, 2015

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