THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.28024, 21197 AND 21223 OF 2008

COMMON ORDER:

Since the subject-matter in these three writ petitions is one and the same, they are heard together and are being disposed of by this common order.

These writ petitions are preferred by the petitioners challenging the action of the respondents in rejecting their applications seeking enhancement of compensation as per the orders passed by this Court.

The brief facts are as follows. The petitioners' lands were acquired as per Notification 17.07.1990 and the petitioners have received compensation of Rs.63,000/- per acre, as per the Award, dated 15.04.1991. Thereafter, some of the persons, whose lands were also acquired under the same Notification, sought reference to the Civil Court for enhancement of compensation. The Court of the Principal Senior Civil Judge, Kakinada, passed orders in O.P.Nos.178 of 1991, 72 of 1995 and 5, 8, 6, and 7 of 1992, enhancing the compensation amount from Rs.63,000/- to Rs.97,650/- per acre. Aggrieved over the same, they preferred A.S.Nos.616, 672, 607, 612, 474 and 613 of 2000 respectively, before this Court and this Court, vide orders dated 13.08.2002, enhanced the compensation of Rs.1,69,400/- per acre with all statutory benefits. Thereafter, the Land Acquisition Officer has filed Special Leave Petitions before the Hon'ble Supreme Court and that the same are dismissed confirming the orders of this Court.

The petitioners herein have filed applications under Section 28-A of the Land Acquisition Act seeking re-determination of the amount of compensation within the prescribed time. The respondents, instead of
re-determining the compensation as ordered by this Court, passed Supplementary Award and re-determined the compensation on the basis of the decree passed by the Reference Court. The petitioners have received the said enhanced compensation under protest. Again the petitioners have made applications under Section 28-A(3) of the Land Acquisition Act seeking re-determination of the compensation as per the Award, as modified by the Hon'ble High Court. The respondents have rejected their applications vide its endorsement, dated 28.04.2008. Aggrieved over the same, the petitioners have preferred the present writ petitions.

Heard and perused the records.

Learned counsel for the petitioners submit that in view of the decision of the apex Court in ***Union of India v Munshi Ram*** (***AIR 2006 SC 1716***), the petitioners, even though they did not seek reference of the matter to the civil Court, are entitled for the enhanced compensation on par with the other land owners, who sought reference to the civil Court.

This Court, on perusing the decision of the apex Court, is of the view that when once the petitioners made representations for the enhanced amount of compensation on the basis of the order passed by the Reference Court, as modified by the High Court, they are entitled for the enhanced compensation fixed by the appellate Court on par with the other land owners. Hence, the endorsement of rejection, dated 28.04.2008, passed by the second respondents is set aside.

The writ petitions are allowed directing the second respondent to re-determine the compensation payable to the petitioners as awarded by the Division Bench of this Court in the case of other land owners covered by the same Award and as confirmed by the apex Court in Special Leave Petitions.

The writ petitions are accordingly allowed. There shall be no order as to costs. Consequently, the miscellaneous petitions, if any shall also stand disposed of.

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JUSTICE RAJA ELANGO

20.04.2015

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