

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH

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W.A.No.333 of 2015

Between:

K. Venkata Swamy Goud and others

.. Appellants

and

The Collector and District Magistrate, Adilabad
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: July 21, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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WRIT APPEAL No.333 OF 2015

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal, under Clause 15 of Letters Patent, is filed aggrieved by the order, dated 16.12.2014, passed in W.P.No.13391 of 2003.

Appellants are the residents of Supaka Village, Kotapalli Mandal, Adilabad District. On 09.07.1998, their houses were blasted and burnt by extremists of Chennuru Dalam, due to which, the movable and immovable properties of the appellants were damaged. For the people who suffered due to the extremist violence, Government has issued G.O.Ms.No.235, General Administration (SC.A) Department, dated 07.06.1997, fixing the quantum of *ex gratia*. As per the said G.O., Government has sanctioned *ex gratia* amount for the next of the kin of the deceased in case of deaths, for the claimants who suffered permanent incapacity and for those who are seriously

injured. Further, for the damage caused to the properties, Government has also sanctioned actual amount of damages as assessed by the Evaluation Committee without any ceiling. In spite of the same, as the appellants were awarded only Rs.5,000/- each towards the damage caused to the movable properties, they filed the aforesaid Writ Petition seeking to direct respondent No.1 to award compensation to the damage caused to their movable properties in the incident occurred on 09.07.1998 in terms of G.O.Ms.No.235, dated 07.06.1997 and to declare Pro.No.D3/169/2002, dated 26.10.2002, granting compensation to the damage caused to the movables of the appellants at Rs.5,000/- each in terms of Circular Memorandum, dated 24.10.1998, as illegal and arbitrary. This Court, by impugned order, dated 16.12.2014, dismissed the Writ Petition permitting the appellants to approach respondent No.1 for receiving the damages sanctioned towards loss of movable properties.

Mainly, the case of the appellants before the learned single judge is that they are entitled to damages as per the value assessed by the Evaluation Committee. In the instant case, as per the Evaluation Committee, the loss estimated was Rs.9,34,030/- for the movable and immovable properties belonging to the appellants. Against such assessment, sum of Rs.8,16,398/- was already paid towards loss of immovable properties, but coming to the movable properties, sum of Rs.5,000/- each was fixed, mainly by relying on Circular Memorandum No. 38/SC.A(A1)/98-14, dated 24.10.1998.

In this appeal, it is contended by Sri V. Ravi Kiran Rao, learned counsel for the appellants, that in terms of G.O.Ms.No.235, dated 07.06.1997, appellants are entitled to actual amount of damages as assessed by the Evaluation Committee without any ceiling with regard to the movable properties. It is further contended that contrary to the said G.O., the Authorities have granted lump-sum amount of Rs.5,000/- to each of the appellants based on the Memorandum,

dated 24.10.1998.

On the other hand, it is submitted by the learned Government Pleader appearing for respondents that fixation of *ex gratia* is not a matter of right and it is a policy decision taken by the Government.

Having heard the learned counsel for parties, we have perused the material on record.

At first instance, Government has issued various Government Orders vide G.O.Ms.Nos.70, 399, 429, 475 and 110, dated 26.02.1996, 11.09.1996, 05.10.1996, 28.01.1997 and 14.03.1997, respectively, notifying certain benefits of *ex gratia* to the victims of extremist violence and lastly, it has issued G.O.Ms.No.235, dated 07.06.1997, enhancing the *ex gratia* fixed earlier. It is true that in the latest G.O., with regard to the damage caused to the properties, it is stated that actual amount assessed by the Evaluation Committee without any ceiling has to be sanctioned, but when the claims are being made for damage caused to various movable properties, it is clarified by Memorandum, dated 24.10.1998, that Government has decided to sanction *ex gratia* relief to the damage caused to movable properties which are verifiable other than cash, jewellery, clothes, utensils, crops, food grains, fertilizers, pesticides and teak wood etc., and has also decided to sanction lump-sum amount of Rs.5,000/- in each case in respect of the damage caused to utensils, furniture and clothes. It appears that as the orders passed in G.O.Ms.No.235 are for grant of *ex gratia* to immovable properties and as no *ex gratia* is fixed item wise for movable properties, the Government has issued Memorandum, dated 24.10.1998. Hence, it cannot be said that the same runs contrary to the orders passed by the Government in G.O.Ms.No.235, dated 07.06.1997. The said Memorandum came into force from 26.02.1996. In any event, when orders are passed fixing *ex gratia*, it will not confer any right on the appellants to enforce

payment through a Mandamus, inasmuch as it is not in dispute that the appellants were already compensated for the damage caused to the movable and immovable properties. Hence, we do not find any merit in this appeal, so as to interfere with the impugned order.

Accordingly, the Writ Appeal is dismissed. Miscellaneous Petitions, if any, pending in this Writ Appeal shall stand closed. No costs.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

July 21, 2015

MD