

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.896 of 2015

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Dated 27th March, 2015

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Between:

M.Shalini Reddy

...Petitioner

And

Special Deputy Collector, LA, Unit-I, Outer Ring Road, HUDA Complex, Tarnaka,
Hyderabad

...Respondent

Counsel for the petitioner: Sri G.Anandam

Counsel for the respondent: Sri Gokula Rama Rao

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 22.01.2015, in E.A.No.36 of 2015, in E.P.No.12 of 2013 in LA.OP.No.942 of 2008, on the file of the learned Special Sessions Judge for Trial of SC & ST (POA) Act-cum-VII Additional District & Sessions Judge, Ranga Reddy District at L.B.Nagar.

I have heard the learned counsel for the parties.

By the order under revision, the lower Court has dismissed the EA filed by the petitioner through her General Power of Attorney (GPA) for issue of cheque representing a part of the compensation enhanced by the reference Court under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act'), in pursuance of the interim order, dated 03.04.2014, passed by this Court in LA.AS.MP.No.323 of 2014 in LA.AS.MP.No.152 of 2014 in LA.AS.No.46 of 2014..

Today, I have allowed a batch of civil revision petitions filed by the legal representatives of deceased decree holder No.5. In the present case, decree holder No.2 is the petitioner on whose behalf E.A.No.36 of 2015 was filed by Mr.M.Jayanath Reddy, who is none other than her own father. Along with the said application, a copy of the GPA was also filed by the GPA. The only ground on which the lower Court has dismissed the EA was that the GPA has not filed an application seeking permission to withdraw the amount as a GPA. This reasoning in my opinion is preposterous. Once execution of GPA by the petitioner is not disputed by the respondent, it is not permissible for the Court to insist on a separate application to be filed for permission by the GPA to represent the petitioner. Therefore, the order of the lower court is wholly unsustainable and the same is accordingly set aside. E.A.No.36 of 2015 is allowed. The lower Court is directed to issue cheque to the GPA on behalf of the petitioner, within two weeks from the date of receipt of a copy of this order.

The civil revision petition is accordingly allowed.

As a sequel to disposal of the civil revision petition, C.R.P.M.P.No.1201 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27th March, 2015

VGB