

*** THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY**

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+ Civil Revision Petition Nos.1096, 815, 836, 880, 925,

763 & 769 of 2015

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+ DT.27.03.2015

Mohammed Sultana Begum

...Petitioner

(C.R.P.No.1096 of 2015)

Vs.

**\$ Special Deputy Collector, LA, Unit-I, Outer Ring Road, HUDA Complex, Tarnaka,
Hyderabad and others**

... Respondents

(C.R.P.No.1096 of 2015)

^ Counsel for the Petitioner: Sri G.Anandam

(C.R.P.No.1096 of 2015)

! Counsel for respondent No.1: Sri Gokula Rama Rao

(C.R.P.No.1096 of 2015)

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? Cases referred:

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

Civil Revision Petition Nos.1096, 815, 836, 880, 925,

763 & 769 of 2015

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Dated 27th March, 2015

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Between:

Mohammed Sultana Begum

...Petitioner

(C.R.P.No.1096 of 2015)

And

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

...Respondents

(C.R.P.No.1096 of 2015)

Counsel for the petitioner: Sri G.Anandam

(C.R.P.No.1096 of 2015)

Counsel for respondent No.1: Sri Gokula Rama Rao

(C.R.P.No.1096 of 2015)

The Court made the following:

COMMON ORDER:

The unfair approach of the lower Court has forced the petitioners in these revision petitions to resort to this needless litigation. This Court is constrained to place on record its thorough dissatisfaction with the manner in which the lower Court presided over by no less an Officer than of the cadre of Additional District Judge has passed the orders under revisions.

The brief facts leading to filing of these revision petitions are stated hereunder:

One Md.Kareem Khan was admittedly the owner of certain lands, which were acquired along with various lands belonging to other persons for the purpose of outer ring road for Hyderabad. An award was passed by the Land Acquisition Officer on 24.11.2007 fixing the compensation at the rate of Rs.1,200/- per sq.yard. Feeling dissatisfied with the said award, the said Md.Kareem Khan has got the dispute referred under Section 18 of the Land Acquisition Act, 1894. By award, dated 29.04.2013, the reference Court has enhanced the compensation to Rs.10,500/- per sq.yard.

Feeling aggrieved by the said enhancement, respondent No.1 filed LA.AS.No.41 of 2014 in this Court. By order, dated 29.01.2014, in LA.AS.MP.No.141 of 2014, a Division Bench of this Court has suspended the judgment of the reference Court on condition of respondent No.1 depositing half of the enhanced compensation within six weeks. The Division Bench further observed that it shall be open to the respondents in the appeal, who include Md.Kareem Khan, to withdraw the same without furnishing any security. The attempt made by respondent No.1 to get the said order varied did not fructify with the dismissal of LA.AS.MP.No.326 of 2014, by order, dated 03.04.2014.

At the hearing, the learned counsel for the petitioners submitted that the SLP filed against the above-mentioned interim order of this Court was dismissed and the time for deposit of the enhanced compensation as per the judgment of this Court was extended by six weeks.

Later, Md.Kareem Khan, who was decree holder No.5, filed E.P.No.11 of 2013. During the pendency of the EP, he died. I.A.No.2274 of 2015 was filed by the petitioners for coming on record as the legal heirs of the deceased Md.Kareem Khan. By order, dated 20.08.2014, the lower Court has allowed the said application and amendment of the cause title in the EP was also carried out. Thereafter, the petitioners have filed separate EAs for issue of cheques in respect of their respective shares. By separate but identical orders, the lower Court has dismissed these applications.

A perusal of the orders passed by the lower Court, which are under challenge in these civil revision petitions, shows that it has dismissed the applications filed by the petitioners on two grounds, namely, (1) that the petitioners have not obtained any permission from the Court to withdraw the amount as the legal heirs of deceased Md.Kareem Khan and (2) that the petitioners have not filed any document to show *prima facie* that they are the legal heirs of the deceased Md.Kareem Khan. These two reasons in the opinion of this Court are wholly fallacious. The very Judge who passed the orders under revisions has allowed I.A.No.2274 of 2014 filed by all the seven petitioners under Order XXII Rule 3 r/w Section 151 CPC for being brought on record as decree holder Nos.7 to 12 in the place of the deceased decree holder No.5. It is, therefore, incomprehensible that the lower Court should question the status of the petitioners as legal heirs of the deceased Md.Kareem Khan. With the petitioners being brought on record in E.P.No.11 of 2013 in the place of the deceased Md.Kareem Khan, they have stepped into his shoes as decree holders. As noted above, the Division Bench has left the six respondents in LA.AS.MP.No.141 of 2014, including Md.Kareem Khan, who was respondent No.5 therein, to withdraw the amount without furnishing any security.

In all fairness, Sri G.Rama Rao, learned counsel for respondent No.1, has not opposed these revision petitions by stating that the orders of the lower Court cannot be supported.

In the face of these uncontroverted facts, this Court is unable to read the mind of the lower Court in dismissing the cheque petitions filed by the petitioners. The lower Court has not referred to any provision of law under which a separate application for its permission to withdraw the amount needs to be filed by the petitioners. A law Court should always be pragmatic in its approach and not

dogmatic. The lower Court completely lacked proper vision in dismissing the petitions filed by the petitioners by assigning jejune reasons. The approach of the lower Court calls for strong indictment.

For the above-mentioned reasons, the orders under revisions are set aside. All the EAs filed by the petitioners are allowed. The lower Court is directed to issue cheques to the petitioners in respect of their respective shares within two weeks from the date of receipt of a copy of this order.

The civil revision petitions are accordingly allowed.

As a sequel to disposal of the civil revision petitions, all the pending interlocutory applications shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27th March, 2015

Note: LR copies to be marked.

(b/o)

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