

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.6206 OF 2005

ORDER:

Petitioners 1 and 2 are the Primary Agricultural Co-operative Societies whereas the third petitioner is a Co-operative Central Bank. Respondents 2 to 115 are all farmers in different villages and members of petitioners 1 and 2-societies. Respondents 2 to 115 availed loans for agricultural purposes by mortgaging their lands as security. The first respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1894 ("the Act" for brevity) and the same was published in the A.P.Gazette proposing to acquire the lands of respondents 2 to 115 for formation of Tank at Boath and Kurthawada Villages, Adilabad District. It was followed by a declaration made under Section 6 of the Act. During the award enquiry, the third petitioner approached the first respondent and submitted a claim statement giving full particulars of the persons who availed loans and requested the first respondent not to release the amount to the persons until the loan amounts of the petitioners are discharged.

The present Writ Petition was filed when the first respondent was making payment to the respondents 2 to 115 in respect of the loans acquired pursuant to the provisions of the Land Acquisition Act.

At the time of admitting the Writ Petition, no interim order was passed restraining the first respondent from making payment of the amount.

Though the learned counsel for the petitioners took time on 19.10.2016, no instructions were forthcoming. It is assumed that amount must have been paid in the absence of any order from this Court. Even

otherwise also the plea of the petitioners to refer the claim to the Civil Court under Section 30 of the Act cannot be entertained, as the claim made by the petitioners has nothing to do with the claim of the respondents 2 to 115 who are entitled to the compensation for the lands acquired for a public purpose. If the petitioners have any grievance, they should have taken separate steps for recovery of the amount and sought attachment of the awarded amount. In the absence of such course of action, the relief sought for in this Writ Petition cannot be granted.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(A.RAMALINGESWARA RAO, J)

3rd November 2016
RRB

