

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.3072 OF 2016

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ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition and the learned Government Pleader for Irrigation and CAD. With consent of all the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* to declare the action of respondents 1 to 3 in not depositing the compensation amount as per judgment and decree passed in A.S.No.3175 of 1987 and Cross Objections therein dated 01.12.1992 by this Court, which were filed challenging the order in E.P.No.24 of 2001 in O.P.No.440 of 1985 on the file of the Subordinate Judge at Karimnagar, as illegal and arbitrary and consequently, to direct respondents 1 to 3 to deposit the decretal compensation amount.

3. The lands of the petitioner were acquired way back in the year 1969 for the purpose of construction of irrigation project i.e., Lower Manair Dam. A reference to a civil Court was made, wherein the market value was fixed. Challenging the same, an appeal vide A.S.No.3175 of 1987 was preferred and the same was disposed of by this Court in the year 1992. Thereafter, the petitioner filed E.P.No.34 of 1997 before the Subordinate Judge's Court, Karimnagar.

4. The averments in the affidavit filed in support of the writ petition would show that part of the decretal amount was deposited, but however, the E.P.No.34 of 1997 was closed. Thereafter, they have filed E.P.No.24 of 2001 for recovery of the balance compensation amount. It is the case of the petitioner that though the Execution Petition was filed in the year 2001, balance compensation is not paid till date. The lands of the petitioner seem to have been acquired nearly four

decades ago, but the proceedings have not reached finality.

5. Earlier this Court in W.P.Nos.33150 of 2013 and 1139 of 2012 gave directions to the authorities concerned for payment of compensation amount, but it is said that till date no amount has been paid. Learned Government Pleader for Land Acquisition states that though amount could not be paid as an appeal was preferred against the judgment and decree in A.S.No.3175 of 1987. But, the material placed before this Court does not show that the as to filing of Special Leave Petition or any orders being passed in the SLP.

6. In view of the above, the Writ Petition is disposed of directing the respondents to pay the amount covered by A.S.No.3175 of 1987 in E.P.No.24 of 2001 in O.P.No.440 of 1985 on the file of the Senior Civil Judge's Court, Karimnagar, within a period of three (03) months.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:12.02.2016

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