

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No.35911 OF 2014

ORDER :

This writ petition is filed seeking writ of mandamus directing the respondents to pay the compensation amount to the petitioners as per orders dated 07.09.2012 in E.P.No.63 of 2010 in O.P.No.62 of 1995 on the file of the Court of the Senior Civil Judge, Miryalaguda by depositing the same to the credit of O.P.No.62 of 1995 in respect of the petitioners' acquired property and also to declare the action of the respondents in not paying the determined compensation to the petitioners as illegal and arbitrary.

2. It is the case of the petitioners that their lands were acquired by a common notification dated 02.07.1993 for the purpose of construction of filtration plant and pumping station at Kodandapur village, PA Pally Mandal, Nalgonda District. When a meager compensation has been granted, an application under Section 18 of the Land Acquisition Act was made and the matter was referred to Civil Court and same is numbered as O.P.No.62 of 1995 and compensation was enhanced by the said Court through Judgment and Decree dated 08.08.2000 in O.P.No.62 of 1995. Against the same, petitioners filed A.S.Nos.3790 and 3791 of 2000 seeking enhancement of compensation and A.S.No.3784 of 2000 was filed by the respondents questioning the enhancement of the compensation made in O.P.No.62 of 1995 vide judgment and decree dated 08.08.2000. The compensation in respect of the said lands was confirmed vide judgment dated 10.11.2004 in the above appeals and matter was remanded for granting of compensation in

respect of acquired fruit bearing trees through judgment and decree dated 26.10.2009 in O.P.No.62 of 1995 and the said judgment in the appeals have become final. As the compensation amount is not paid, as ordered, the petitioners preferred E.P.No.63 of 2010 on the file of the Senior Civil Judge, Miryalaguda for realization of balance amount. When the respondent-Government is not depositing the amount, the petitioners filed W.P.No.498 of 2011 and the same was disposed of on 25.02.2011 directing the respondents to deposit the compensation as per the judgment and decree in O.P.No.62 of 1995. E.P.No.63 of 2010 was disposed of on 07.09.2012 directing the respondents to pay further amount towards interest. Against the same, the respondents preferred C.R.P.No.4107 of 2013. Initially stay was granted on payment of 50% of the decretal amount. When the same was not complied with, the stay granted earlier was vacated. Even in spite of vacating the stay, the respondents are not depositing the amount as per order dated 07.09.2012 in the Execution Petition. Aggrieved by the same, present writ petition is filed.

3. Counter affidavit is filed by the 3rd respondent admitting about the factual aspects and stated that proposals were submitted for release of the half of the EP amount to comply with the orders of this Court. But the same is not released and matter has been pursued with higher officials to comply the orders of this Court.

4. Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition appearing for respondents 1 to 4 and Sri V.Sudhakar Reddy, learned Standing Counsel for the 4th respondent.

5. Sri V.Sudhakar Reddy, learned Standing Counsel for 4th respondent produced written instructions dated 22.04.2016 addressed to the Revenue Divisional Officer, Devarakonda, Nalgonda District by the Executive Director, HMWS & SB, Khairatabad, Hyderabad stating that they have deposited certain amount with the former Land Acquisition Officer & Revenue Divisional Officer, Miryalaguda.

6. In the instant case, the facts are not in dispute. It is a fact that the petitioners' lands were acquired for the purpose of construction of filtration plant and pumping station at Kodandapur village, PA Pally Mandal, Nalgonda District. The orders in O.P.No.62 of 1995 dated 08.08.2000 have become final as the same were confirmed in the appeals preferred by the parties by judgment dated 10.11.2004 and the order dated 26.10.2009 in O.P.No.62 of 1995 granting compensation in respect of fruit bearing trees has also become final. It is also an admitted fact that stay has been granted in C.R.P.No.4107 of 2013 on payment of 50% of the decretal amount. When the said amount is not paid, the stay has been vacated.

In view of above factual aspects, there is no justification for the respondents for not releasing the amount as per the orders dated 07.09.2012 in E.P.No.63 of 2010. Moreover, the acquisition of land took place in the year 1993.

In view of above facts and circumstances, this writ petition is allowed directing the respondents to deposit 50% of amount as per the order dated 07.09.2012 in E.P.No.63 of 2010 within a period of six (6) months from the date of receipt of a copy of this order and the same will be

subject to orders to be passed in CRP No.4107 of 2013.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

27.04.2016.
kvs

A.RAJASHEKER REDDY, J

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Date: 27-04-2016

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