

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.684 of 2008

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Industries and Commerce for first respondent and Sri Vedula Srinivas, the learned Senior Counsel for the second respondent.

2. The petitioner claims to be owner and possessor of an extent of land admeasuring Acs.43-14 guntas in Sy.Nos.90 to 93, situated at Serilingampally Village and Mandal, Ranga Reddy District. The said land was sought to be acquired for the purpose of second respondent under the provisions of the Land Acquisition Act, 1894 (for short, the Act) in G.O.Rt.No.234, Industries Department dated 03.07.1965. The agreement between the first respondent and the second respondent was published in G.O.Rt.No.298 dated 06.08.1965. A draft declaration was issued in G.O.Rt.No.506 dated 11.12.1965 and ultimately an award was passed by the Special Deputy Collector on 24.09.1966. The petitioner sought reference to the Civil Court under Section 18 of the Act seeking enhancement of the compensation and ultimately the matter was settled before the Supreme Court on 12.09.1986, under which, the second respondent agreed to pay an amount of Rs.1,50,000/- to the petitioner in three instalments at Rs.50,000/- each. The present writ petition is filed for handing over of the said land on the ground of non-payment of one instalment of Rs.50,000/-.

3. The case of the petitioner is that the second respondent failed to utilize the land for the purpose for which it was acquired and he is ready to refund the amount of Rs.1,00,000/- already received by him. He issued a legal notice to the second respondent on 15.12.2006, and though the second respondent issued a reply on 10.01.2007, neither the balance amount was paid nor the land was handed over to him.

4. It is clear from the above facts that the matter was settled before the Supreme Court by way of a compromise on 12.09.1986. If the petitioner has any grievance with regard to receipt of one instalment of Rs.50,000/-, he should have taken immediate action against the second respondent. The petitioner waited till 2006, and after 20 years of settlement, issued a notice through his counsel for creating cause of action and filed the present writ petition. The present writ petition filed much after passing of the award and settlement of the matter and after a long lapse of 20 years, seeking payment of balance instalment, is not maintainable.

5. Accordingly, the writ petition is dismissed. In view of the dismissal of the writ petition on the ground of laches, this Court has not adverted to the rival contentions raised by the respondents in their counter-affidavit. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 22.03.2016

TJMR