

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3924 of 2006

ORDER:

The petitioner states that it is the absolute owner and possessor of a large extent of land which was purchased for establishing the horticulture unit for growing Dutch variety rose plants and established the same over the land in Survey Nos.5 and 6 of Anantareddyguda Village, Shamshabad Mandal in Ranga Reddy District, by spending huge amounts. The land of an extent of Acs.2.35 guntas in Survey No.6 was sought to be acquired. The third respondent passed an award in favour of the petitioner in respect of the said land along with other lands of the petitioner in Survey Nos.5 and 6 under Section 11 of the Land Acquisition Act on 21.09.2002 brushing aside the objections filed by one Smt.Anwar Bee and six others. A notice was also issued to the petitioner on 21.09.2002 asking the petitioner to appear before the third respondent to receive the compensation amount. Though the petitioner appeared before the third respondent, the cheques could not be delivered and in the meanwhile, Smt.Anwar Bee and others filed an appeal before the Revenue Divisional Officer, Chevella Division, under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, against the order passed by the Mandal Revenue Officer, Shamshabad Mandal, dated 09.12.1997, holding that the petitioner was the absolute owner and possessor of the land of an extent of Acs.10.07 guntas in Survey

No.5 and Acs.9.21 guntas in Survey No.6. The said appeal was also dismissed and it has become final. In the meanwhile, it appears that the third respondent deposited the amount of compensation before the learned Senior Civil Judge, Ranga Reddy District. In those circumstances, the present Writ Petition was filed seeking a direction to the third respondent to pay the compensation amount to the petitioner by holding that the action of referring the award to the Court of learned Senior Civil Judge, Ranga Reddy District, as bad.

A counter affidavit is filed on behalf of respondent Nos.1 and 2 stating that on the requisition of the Executive Engineer (R & B) Roads Division, Hyderabad, an extent of Acs.2.35 guntas of land in Survey No.6 was sought to be acquired for which purpose a draft notification under Section 4(1) of the Land Acquisition Act was published on 16.05.2001. After completion of due formalities, award was passed on 21.09.2002 in favour of the petitioner for an amount of Rs.3,32,401/- stating that the amount of compensation would be paid after expiry of two months from the date of award. Notices under Section 12(2) were served on the concerned on 24.02.2002. At that stage, Smt.Anwar Bee and others have filed W.P.No.10005 of 2002 seeking a direction to the third respondent not to release and pay compensation to the petitioner herein and the said Writ Petition was dismissed on 28.06.2002 on the statement made by the learned Government Pleader that the respondents in the Writ Petition decided to refer the matter

under Section 30 of the Land Acquisition Act as there was a dispute regarding title to the land. Accordingly, a reference under Section 30 of the Land Acquisition Act was made on 31.07.2004 and the compensation amount was deposited in the Court. The petitioner filed W.P.No.12079 of 2004 seeking release of the said amount and when the said Writ Petition was pending, the present Writ Petition was filed.

It is clear from the above facts that an award was passed on 21.09.2002 in respect of the land of an extent of Acs.2.35 guntas in Survey No.6 of Anantareddyguda Village, Shamshabad Mandal in Ranga Reddy District, in favour of the petitioner for an amount of Rs.3,32,401/-. At that stage when Smt.Anwar Bee and others filed W.P.No.10005 of 2002, the said Writ Petition was dismissed recording the undertaking given by the learned Government Pleader to refer the matter to the civil Court under Section 30 of the Land Acquisition Act. When no action was taken, Smt.Anwar Bee and others filed C.C.No.1126 of 2002 and in view of the same, the matter was referred to the civil Court under Section 30 of the Act. The petitioner earlier filed W.P.No.12079 of 2004 seeking a direction to release the amount as per the award. The said Writ Petition was disposed of on 11.06.2008. In view of the disposal of the said Writ Petition in the year 2008, the relief sought for in the present Writ Petition cannot be maintained and in view of the pendency of the matter before the learned Senior Civil Judge, Ranga Reddy District, to whom the case was referred by the Land

Acquisition Officer, it is open to the petitioner to take appropriate steps in accordance with law claiming compensation amount already deposited.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

09.11.2016
vs

