

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

C.C.NO.1944 OF 2016

ORDER

Aggrieved by the inaction of the respondent – Special Grade Deputy Collector, in not releasing the compensation awarded to the share of late T.Srinivasulu for the subject land, his wife and children filed the writ petition in W.P.No.23778/2016. By order dated 11.8.2016 this court dispose of the writ petition with the following direction:

“In view of the above facts and circumstances of the case, this court is inclined to dispose of the writ petition by directing the respondents to divide the compensation awarded in favour of late T.Srinivasulu into five shares in equal proportions and four shares shall be released in favour of the petitioners and fifth part thereof shall be kept in F.D.R. towards the share of Sridevi.

It is made clear that if Sridevi, the daughter of the deceased, disputes the will dated 1.8.2013, the amount of her share shall be subject to the outcome of such dispute.

It is further made clear that payment shall be released within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the petitioners shall file an undertaking to the effect that the petitioners and Sridevi are the only legal heirs of deceased – T.Srinivasulu.

With the above direction, the writ petition is disposed of. No order as to costs.”

Complaining that the respondent has willfully disobeyed the above order of this court by not implementing the same, the petitioners filed the contempt case.

On 1.11.2016, Mr. Vivek Reddy, learned counsel representing the learned Advocate General for the State of Telangana stated that in exercise of its jurisdiction under Section 48(1) of the Act 1 of 1894, as amended by Act 68 of 1984, by notification dated 26.10.2016, the State has withdraw the earlier notification, whereby the land of petitioners was acquired. He further stated that equal land of the brother of late T.Srinivasulu, by name Muralidhar, was acquired and possession was also taken and he was paid the compensation. However, on the said date, he sought time to report to the court how much time the respondent would require to demarcate the land of the petitioners and also for instructions with regard to payment of compensation to the said Muralidhar.

Today Mr. Vivek Reddy, learned counsel appearing for the learned Advocate General for the State of Telangana stated that Murlidhar, the brother of late T.Srinivasulu, had taken his share from the total compensation awarded under the award dated 30.7.2013. He further submitted that demarcation of the acquired property will be completed within two weeks from today.

Let needful be done in the presence of the petitioners.

The date fixed by the respondent for demarcation, shall be communicated to the petitioners in writing three days prior to the said demarcation.

In view of the above, the contempt case is disposed of accordingly.

However, it is made clear that if the petitioners are still aggrieved with the decision of the respondent, they are liberty to avail remedy available under law.

DATE:07.11.2016
AVS

SURESH KUMAR KAIT,J

