

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18885 OF 2016

ORDER:

The case of the petitioner is that he filed a suit in O.S.No.113 of 2010 against the 3rd respondent for recovery of the amount covered under the Promisory Note and the said suit was decreed on 20.12.2012 decreeing an amount of Rs.17,20,000/-. Even after passing of the decree, the 3rd respondent avoided to pay the said amount to the petitioner, as such the petitioner filed EP. Meanwhile, the 2nd respondent passed an Award dated 30.04.2016 by acquiring the lands of the 3rd respondent and as per the Award, the 3rd respondent is entitled for an amount of Rs.47,39,417/-. In respect of the same, the petitioner made a representation to the 2nd respondent requesting him not to remit the amount covered under the Award in relation to the extent of the 3rd respondent. But the 2nd respondent without considering the petitioner's representation is making arrangement to disburse the amount to the 3rd respondent's account. Aggrieved by the same, the present writ petition is filed seeking a direction to the respondent authorities not to pay the amounts covered under the Award to the 3rd respondent.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Land Acquisition submits that the writ petition itself is not maintainable since the petitioner has already availed effective remedy of filing EP.

It is to be seen that petitioner having availed the effective remedy of filing EP against the 3rd respondent, he again filed representation before the 2nd respondent. Therefore, this writ petition is not maintainable and it is for the petitioner to take appropriate steps in the EP filed by him.

In view of the same, I do not see any reason to entertain the writ petition. Hence, the writ petition is dismissed. There shall be no order

as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

17-06-2016

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