

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 5837 of 2010

ORDER:

Assailing the docket order dated 25.08.2010 passed in E.P.No.94 of 2009 on the file of the Senior Civil Judge, Mancherial, the Land Acquisition Officer (J.Dr.) preferred the present revision.

A perusal of the impugned order shows that both the parties have filed calculation memos seeking compensation in respect of land admeasuring Ac.8.20 gts. The order shows that balance amount of Rs.7,79,110/- which was arrived at after adding solatium at 30% and additional market value at 12% is not in dispute. The only dispute is with regard to payment of interest at 9% and 15% for initial one year and subsequent thereto.

The Senior Civil Judge, Mancherial, while holding the calculation of interest made by the claimants is in accordance with the judgments referred to in the impugned order, however did not give any specific finding with regard to payment of Rs.42,81,097/-. The relevant portion of the order reads as under:

“The L.A.O. is liable to pay interest on this amount from 06.07.1998 till the date of discharge of decree debt. The L.A.O. cannot escape the liability of such interest. Therefore, the total amount as on 21.08.2009 as per the claimant appear to be Rs.42,81,097/-.”

From the above, it is clear that there is no specific direction to the government to pay the said amount. Apart from that para No.3 of the order reads as under:

“Learned A.G.P. seeks time to seek instruction in this regard. Final opportunity is granted till 27.09.2010.”

A reading of Para No.3 gives a clear indication that the amount claimed by the claimants has not become final. The impugned order is not clear as to whether the A.G.P. took time to get instructions with regard to payment of money or whether he took time to clarify the calculation arrived at since the E.P. was again directed to be listed on 27.09.2010. As referred to earlier the present Civil Revision Petition is filed questioning the proceedings, which in my view have not attained any finality. By an order dated 16.12.2010 this Court while granting stay of order directing the government to deposit Rs.25.00 lakhs which was permitted to be withdrawn by the claimants. The said order has been complied with by the Government. Since the impugned order does not specifically direct the government to pay the quantum of amount, it will be just and proper to remand the matter to the trial Court to decide the issue. The amount deposited by the Government during the pendency of the revision shall be adjusted in accordance with law after final orders are passed in E.P.

Accordingly, the Civil Revision Petition is disposed of with the above direction. There shall be no order as to costs.

Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

01.07.2016

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