

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.34186 OF 2015

ORDER:

- Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

The only grievance of the petitioners is that in spite of awarding compensation, which has attained finality, the respondents are not depositing the awarded amount to the credit of E.P.No.10 of 2015 in O.P.No.198 of 2004 on the file of the

II Additional District Judge, Karimnagar District at Jagtial. The petitioners state that the compensation payable to them attained finality, after judgment of the Hon'ble Supreme Court in Civil Appeal No.2171-2173 of 2011, dated 11.03.2015. The land of the petitioners is stated to have been acquired by issuing notification under Section 4 (1) of the Land Acquisition Act, 1894; possession was taken over in the year 1982 and the compensation amount as per the decision of the Hon'ble Supreme Court is yet to be deposited, though the petitioners have filed Execution Petitions and obtained orders of execution.

The petitioners have approached this Court complaining inaction on the part of the respondents, who have failed to deposit the decretal amount in spite of taking possession from the petitioners several years back. Strong reliance is placed upon the decision of this Court in W.P.No.57 of 2012 dated 12.06.2012 wherein, in similar circumstances, this Court disposed of the said Writ Petition directing the respondents to deposit the compensation payable under the Execution Petition within three months from the date of receipt of a copy of the order.

Learned Government Pleader for Land Acquisition appearing for respondents 4 and 5 seeks further time to deposit the amount. He

also states that the Requisitioning Authorities i.e., respondents 2 and 3 are required to arrange the amount payable and after arrangement, the same would be deposited to the credit of Execution Petition.

It is seen that the Execution Petition filed by the petitioners is against the Land Acquisition Officer - the 5th respondent and therefore, it is for the 5th respondent to comply with the decrees, if any.

Respondents 2 and 3 are stated to be the Requisitioning authorities and neither instructions are forthcoming from them nor their Standing Counsel is present before this Court.

In these circumstances, since the Execution Petition filed by the petitioners is pending before the Executing Court, learned Government Pleader for Land Acquisition states that they could not comply with the decrees passed and no action for depositing the amount is being taken by the Requisitioning Authorities,

I deem it appropriate to dispose of the Writ Petition with the following directions:

- i) Respondents 2 and 3, who are the Requisitioning Authorities, are directed to ensure that the compensation amount payable to the petitioners in terms of the orders of the Hon'ble Supreme Court, referred to above, be deposited with the Land Acquisition Officer, the 5th respondent, within a period of three months from today.
- ii) On such deposit, the 5th respondent shall further deposit the said amount to the credit of the Execution Petition, referred to above, within a period of two weeks of such deposit from the Requisitioning Authorities.

iii) On such deposit, the Execution Court is free to deal with the Execution Petition in accordance with law and pass appropriate orders.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

Date:15.02.2016

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