

HON'BLE SRI JUSTICE SURESH KUMAR KAIT**WRIT PETITION No.27818 of 2016****ORDER:**

Vide the present petition, the petitioner seeks Mandamus declaring the inaction of the respondents in not paying compensation to the petitioner acquired lands admeasuring Ac 1.32 guntas in Sy No.72/2 situated at Sonari Village of Kuber Mandal, Adilabad District, as illegal, arbitrary and contrary to the provisions of Land Acquisition Act, 2013 (for short "the Act") and consequently to direct the respondents to deposit the decretal amount to the credit of O.P No.6 of 2006 on the file of the Senior Civil Judge, Nirmal, Adilabad district.

In the affidavit, it is stated that the land in Sy No.72/2 to an extent of Ac 1.32 guntas situated at Sonari Village of Kuber Mandal, Adilabad District was acquired by the respondents on the basis of requisition made by the 5th respondent for the public purpose to formation of New Silt arresting Tank across the Local Stream near the village of the petitioner. The respondents issued a Draft Notification in the year 1999. The Land Acquisition Officer passed an award on 26.04.2002 granting compensation of Rs.16,000/- per acre together with the statutory benefits.

The said amount has been received by the father of the petitioner under protest along with others.

It is further stated that since the award passed by the concerned authorities was not in consonance with the evidence adduced, therefore, the same has been referred to the jurisdictional reference Court i.e., Senior Civil Judge, Nirmal, Adilabad District. The reference court after elaborate consideration, passed judgment by enhancing compensation from Rs.16,000 to Rs.40,000/- per acre of the petitioner along with others, whose lands are acquired apart from 30% solatium and 12% interest per annum under Section 23 of the Act and enhanced compensation and other benefits. Aggrieved by the same, the petitioner along with others filed E.P.No.28 of 2012. However, till date, despite filing of the said E.P., the petitioner and others have not received enhanced compensation amount.

The respondents are State under Article 12 of the constitution of India. The petitioner along with others lost the valuable fertile lands, in which, they raised commercial crops. By virtue of taking away the lands of the petitioners, they became agricultural coolies. The action of the respondents in not paying the enhanced compensation, is illegal, arbitrary and contrary to the provisions of the Act and as well as blatant violation of the Fundamental Rights Guaranteed under the Constitution of India.

Keeping in view the facts recorded above, I hereby direct the respondents to pay the enhanced compensation amount in favour of the petitioner within four (04) weeks from the date of receipt of a copy of this order.

I hereby make it clear that if the respondents fail to pay the amount, the petitioner shall be entitled for interest @ 12% p.a. on delayed payment.

With the above direction, this Writ Petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date :12-09-2016

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