

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.6691 OF 2008

ORDER:

Heard Mr.G.Venkat Reddy for petitioners, G.Eshwaraiah for respondents 4 to 6 and the Government Pleader.

The petitioners pray for the following relief:

“..writ of mandamus declaring the action of the respondents 1 and 2 in proceeding to pass award and pay compensation to the 3rd respondent for the house bearing No.N-86 situated in Nedarpet village, H/o.Yetur village o f Kondapuram Mandal, Kadapa District pursuant to the 4(1) notification in Ref..GNSS/C/918/2006 dated 27.11.2006 issued by the 1st respondent without considering the petitioners representation dated 22.8.2007 even though petitioners are the share holders of the said property as illegal, arbitrary and violative of Art.14,19, and 300-A of the Constitution of India and consequently direct the respondents 1 and 2 either to pay proportionate share of compensation to the petitioners or to refer the matter to the civil court by depositing the award amount in said court U/s.31 of the L.A. Act..”

This Court granted interim stay of payment of compensation to 3rd respondent, if not already paid.

The petitioners allege that they are also entitled for compensation payable by respondents for acquisition of House No.86 i n Nedarpet Village, H/o.Yetur Village o f Kondapuram Mandal, Kadapa District. The petitioners claim to have filed objections against grant of compensation only to respondent No.3. The grievance of petitioners is in spite of objection, compensation is paid to 3rd respondent. The petitioners will suffer irreparable loss and injury. 2nd respondent ought to examine to the extent law permits decide the dispute raised by the petitioners or if the matter requires consideration by civil Court, the dispute ought to have been referred to Civil Court

under Section 30 of the Land Acquisition Act.

The 2nd respondent filed petition to vacate the interim order dated 31.07.2008 and in the counter affidavit it is admitted that though the award was passed, compensation determined, the compensation was not paid to 3rd respondent. The Government Pleader after perusing nature of dispute and also depositing the compensation amount in separate accounts, submits that the 2nd respondent will refer the dispute under Section 30 of Land Acquisition Act to civil Court within 30 days from the date of receipt of a copy of this order along with the compensation determined and the interest accrued thereon. The acquisition was completed about 10 years back. As and when the parties receive notices in the reference under Section 30 of the Land Acquisition Act, they are given liberty to request the learned Senior Civil Judge to dispose of the reference as expeditiously as possible preferably within six months. As and when such request is made, the learned Trial Judge considers to expeditiously dispose of the reference.

The writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date:30.08.2016
Stp