

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

W.P. No. 30362 of 2016

DATE: 08.09.2016

Between:

Padamatinti Mahesh

.. Petitioner

And

The State of Telangana
and two others

.. Respondents



ORDER:-

This writ petition is filed for the following substantive relief:

“..to issue a writ of mandamus declaring action of the respondents in not depositing the compensation as per the judgment and decree dated 21.04.2014 passed in L.A.O.P.No. 37 of 2013 on the file of the Court of the Senior Civil Judge, Karimnagar as claimed in E.P.No. 172 of 2014, as illegal and arbitrary and consequently direct the respondents to deposit the amount.”

The brief facts of the case are that the Government acquired the petitioner's land in an extent of Ac.02.37 guntas situated in Nallagonda village, Thimmapur Mandal, Karimnagar District along with trees therein for laying pipeline under Moulana Abdul Kalam Azad, Sujala Sravanthi Project (Godavari) after issuing Draft Notification which was published on 18.06.2010. The possession of the land was taken on 30.05.2011. While so, it is stated that the 3rd respondent – Land Acquisition Officer, vide Award No.02/2010-11, dated 30.05.2011, fixed the market value at the rate of Rs.1,17,000/- per acre for the acquired land and also granted Rs.1,681/- for the trees. Subsequently, on the application filed by the petitioner under Section 18 of the Land Acquisition Act, 1894 (for brevity “the Act”), the matter was referred to the Court of Senior Civil Judge, Karimnagar for determination of proper market value, and the Senior Civil

Judge, by judgment and decree dated 21.04.2014 passed in L.A.O.P. No. 37 of 2013, enhanced the compensation from Rs.1,17,000/- to Rs.3,00,000/- per acre by granting all statutory benefits. It is further asserted that the petitioner, being aggrieved by the aforesaid judgment and decree, filed an appeal in L.A.A.S.No. 371 of 2014 before this Court for further enhancement of compensation and for damages and the same is pending adjudication. However, the respondents have not filed any appeal challenging the judgment of the Reference Court. Therefore, the said order has attained finality.

The learned counsel for the petitioner has submitted that inasmuch as the respondents have not deposited the amount as enhanced by the Reference Court, the petitioner filed E.P.No. 172 of 2014 before the Court of Senior Civil Judge, Karimnagar to issue warrant of attachment of the scheduled movable properties belonging to the 3rd respondent – Judgment Debtor for realization of Rs.11,03,027/-, which includes decretal amount and interest accrued thereon. He has further submitted that the petitioner made several requests, but the respondents have deposited neither the decretal amount nor part thereof.

From a perusal of the material placed on record, it is obvious that the petitioner is aware that the execution of any

proceedings against the Government is very difficult. By way of attachment of sale of movable properties of the 3rd respondent like chairs, tables, fans, almirah, etc., problem will not be solved, thus, he has lost hope that the respondents would ever deposit the decretal amount. Hence, he has filed the present writ petition.

The impression taken by the petitioner is not false because he has already run from pillar to post and at last obtained the decree and the judgment in his favour on 21.04.2014. However, 2½ years have passed, but not even a penny is received by the petitioner from the respondents.

The learned Government Pleader for Irrigation and Command Area Development appearing for the 1st respondent and the learned Government Pleader for Land Acquisition appearing for respondent Nos.2 and 3, on instructions, have submitted that six months' time is required to pay the amount of Rs.11,03,027/- together with interest as per the statutory provision.

When this Court has put a query to the Learned Government Pleaders for what purpose they require six months' time, they could explain only ten stages where a file can be moved from desk to desk for paying the amount. From my point of view, if the file is processed at 10 desks, then it can be cleared within a maximum of ten days.

We are passing through an era of computer technology, online, internet, e-mail, whatsapp, etc. through which, we can make any order or transaction whatsoever within no time and can get things done from various desks within a day, however, for that purpose good intention is required. In order to show good intention one has to work hard. If we do not work with dedicated mind by showing good intention, it is a misplaced sympathy. Though the respondents were supposed to pay compensation amount on the day the decree was passed and decided not to challenge the decree, but, did not take appropriate steps for such payment. Therefore, the petitioner was compelled to file E.P.No. 172 of 2014, but even till date, the E.P. is also pending. At last, after losing all hope on the Government as well as the trial Court, he has approached this Court.

Having regard to the facts and circumstances of the case, this Court, without commenting much on the issue, deems it appropriate to dispose of the writ petition by directing the respondents to pay compensation amount together with interest as per the statutory provision within a period of four weeks from the date of receipt of a copy of this order.

Inasmuch as the petitioner was compelled to file E.P.No. 172 of 2014, and at last, being remediless, instituted

the present writ petition seeking indulgence of this Court, the respondents are further directed to pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only) in favour of the petitioner in addition to the compensation payable.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

08.09.2016

bcj



SURESH KUMAR KAIT, J