

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P. No. 18303 of 2016

DATE: 04.08.2016

Between:

Macharla Hanumantha Rao

.. Petitioner

And

State of Andhra Pradesh and three others

.. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Award No.1/87, dated 20.03.1987 passed by the 4th respondent as lapsed in view of provisions of Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently direct the respondents to initiate fresh land acquisition proceedings and pay compensation by following the provisions of said statute in respect of the acquired land of Ac.1.55 cents in R.S.Nos.823/1, 823/2, 823/3 and 824/1 of Kaza Revenue village, Movva Mandal, Krishna District..”

The learned counsel for the petitioner has submitted that the Land Acquisition Officer, vide Award No.1/87 dated 20.03.1987, fixed value of the land at the rate of Rs.12,500/- per acre. Being aggrieved by the same, the petitioner, who is the land owner, preferred an appeal in L.A.O.P.No. 50 of 1995 under Section 18(1) of the Land Acquisition Act (for brevity “the Act”), and the Senior Civil Judge, Avanigadda by judgment and decree dated 09.09.1997, dismissed the appeal. Challenging the judgment of the Senior Civil Judge, the petitioner preferred

an Appeal No. 131 of 1998, and this Court, by judgment dated 19.02.2003, allowed the appeal enhancing the market value of the acquired land from Rs.12,500/- to Rs.24,000/- per acre.

The learned Government Pleader for Land Acquisition appearing for respondent Nos.1, 3 and 4 has submitted that due to paucity of funds, the enhanced compensation could not be paid to the petitioner immediately after the judgment was delivered by this Court. Hence, the petitioner has filed E.P.No. 7 of 2007 in L.A.O.P.No. 50 of 1995 before the Court of Senior Civil Judge, Machilipatnam, and accordingly, an amount of Rs.1,10,176/- was deposited in the Court of the Additional Senior Civil Judge, Machilipatnam vide D.D.No. 362768, dated 14.03.2016 towards full satisfaction of the E.P. amount. He has further submitted that the New Act 30/2013 i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force with effect from 01.01.2014 and the present acquisition pertains to the year 1987, whereas compensation including the enhanced compensation fixed by this Court in Appeal No. 131 of 1998 dated 19.02.2003 was already paid to the petitioner, and therefore, the New Act, 30/2013 is not applicable to the petitioner.

It is not in dispute that the Award in favour of the petitioner was passed on 20.03.1987. Not being satisfied

with the Award amount, the petitioner preferred an appeal in civil Court under Section 18(1) of the Act, however the same was dismissed. Thereafter, on filing Appeal No. 131 of 1998, this Court, vide judgment dated 19.02.2003, enhanced compensation to Rs.24,000/- per acre. However, the respondents have not paid the amount to the petitioner who is a farmer. As stated by the learned Government Pleader for Land Acquisition, on instructions from the Revenue Divisional Officer, Bandar, due to paucity of funds the enhanced compensation could not be paid to the petitioner immediately.

It is very difficult to digest the plea taken by the 4th respondent – Land Acquisition Officer-cum-Revenue Divisional Officer, who is an authority of the State Government. If the State exchequer did not have even an amount of Rs.1,10,176/- in the year 2003, I fail to understand how the Government was functioning for the people.

The fact remains that the petitioner is a poor farmer and at last by approaching three Courts, he could get the amount enhanced to Rs.24,500/- from Rs.12,500/- per acre, but what saddens is that he was not paid the enhanced amount till 2007. Therefore, he was compelled to file E.P.No. 7 of 2007 and he continued to fight for nine years, and finally, vide D.D.No. 362768, dated 14.03.2016, the petitioner was paid full amount to the satisfaction of the E.P.

In spite of the fact that the Award was passed on 20.03.1987 and the amount was deposited with the Additional Senior Civil Judge's Court, Machilipatnam vide D.D.No. 362768, dated 14.03.2016, it is inconceivable that the petitioner has not only been denied justice by the machinery of the State Government but also been compelled to run from pillar to post. Hence, this Court is of the opinion that interest of justice would be met if the respondents are directed to pay interest on the awarded amount. Therefore, this Court is inclined to dispose of the writ petition with the following direction:

"The respondents are directed to pay interest on the awarded amount of Rs.1,10,176/- at the rate of 18% per annum from the date of the Award i.e. 20.03.1987 till the awarded amount is paid to the petitioner. Accordingly, the Additional Senior Civil Judge, Machilipatnam is directed to disburse the awarded amount in favour of the petitioner on taking steps together with interest as directed within a period of four weeks from today. However, it is made clear that if the respondents fail to pay the interest as directed within the stipulated time, the petitioner shall be entitled to get interest at the rate of 24% per annum on delayed payment."

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

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

04.08.2016

bcj