

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.30938 of 2015

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ORDER:

Heard.

The grievance of the petitioners is that the respondents are not taking up appropriate steps to refer the original award in respect of the lands in question in Sy.Nos.205 and 206 situated at Yenugonda Village, Mahabubnagar Mandal and District, in spite of the directions of this Court in W.P.No.19533 of 1999, dated 18-08-2000.

Initially, when the writ petition came up for hearing, learned Government Pleader for Land Acquisition was required to get instructions. On 24-11-2015, learned Government Pleader has produced instructions and the matter was adjourned so as to enable the petitioners to verify whether reference is pending before the learned Senior Civil Judge, Mahabubnagar. On 08-12-2015, learned counsel for the petitioners submitted that no such reference is pending. Therefore, this court directed the Revenue Divisional Officer, Mahabubnagar, to appear before this Court and explain the said discrepancy. On 21-12-2015, though the Revenue Divisional Officer has produced fresh instructions, no information is forthcoming as to the reference made regarding the Award, dated 23-09-1986. Hence, the Collector, Mahabubnagar District was directed to verify the record and file an affidavit.

Today, an affidavit has been filed by the District Collector, Mahabubnagar, stating in paragraph '6' as follows:-

“..... As per the directions of Hon'ble High Court of A.P. in C.C.No.494/2005, the then LAO has referred the matter under Section 30 & 31(2) of LA Act. The compensation awarded for the subject land is Rs.2,74,076-00 was deposited in the Hon'ble Civil Court by the LAO on 9.6.2006 vide File No.F/2371/2004 through DD No.341433, dated 9.6.2006 and received acknowledgment from the concerned. Finally, the case was admitted on 13.08.2008 and numbered as O.P.No.65/2008 in the court of Hon'ble Senior Civil Judge, Mahabubnagar. As verified the caser status of O.P.No.65/2008 with the Assistant Government Pleader for Hon'ble

Civil Court, Mahabubnagar, who has informed that the case was reserved of judgment on the bench of Hon'ble Senior Civil Judge, Mahabubnagar pertains to the writ petitioners in pursuance of the orders of Hon'ble High Court of AP, Hyderabad in W.P.No.19533/1999."

Learned counsel for the petitioners states that the petitioners have no notice of such a reference pending before the Senior Civil Judge, Mahabubnagar and that is why they could not participate in the hearing before the said Reference Court.

Evidently, the information with regard to deposit of the amount and registration of reference as O.P.No.65/08 is only now available to the petitioners, after this Court gave directions to the District Collector to file an affidavit. Hence, it is open to the petitioners to take appropriate steps by approaching the Reference Court for appropriate relief.

In view of compliance of the directions of this Court, nothing survives for consideration in this writ petition.

Accordingly, the writ petition is dismissed.

However, the Revenue Divisional Officer, Mahabubnagar, who is present in the Court, shall hereinafter be careful in dealing with his official duties.

Miscellaneous petitions, if any, pending shall stand closed. No costs.

VILAS V.AFZULPURKAR, J

Date: 05-01-2016

Note:

Mark a copy to the 2nd respondent

(B/o)

Prv

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Prv