

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28964 of 2009

O R D E R:

Heard counsel for the petitioners and the Government Pleader for Land Acquisition appearing for respondents 2 to 4.

2. Petitioners' grievance is that their lands were acquired for the purpose of Somasila Project under the provisions of Land Acquisition Act, 1894; that an Award No.16/97-98 dt.25.01.1998 was passed by the Land Acquisition Officer; that they sought reference to the Civil Court which was numbered as LAOP.No.1070 of 2001 wherein compensation was enhanced by judgment and decree dt.09.07.2002; that this was assailed by the State in A.S.No.329 of 2004 before this Court wherein the Division Bench modified the order of the Reference Court and disposed of the appeal by judgment dt.18.03.2006 granting enhancement by 80%; and that the petitioners were though held to be entitled to interest @ 9% per annum on the enhanced Additional Market Value and Solatium for one year from the date of Notification and thereafter @ 15% per annum till the date of realization in the decree passed by the Reference Court in the LAOP No.1070 of 2001, and even in the A.S.No.329 of 2004 this Court categorically held that they are entitled to interest on Solatium and Additional Market Value, the respondents have not paid the same.

3. Counsel for petitioners placed reliance on order dt.04.08.2008 in W.P.No.4128 of 2007 and Batch, as well as the order dt.20.09.2007 in W.P.No.14864 of 2007 in support of his submissions.

4. Though the Government Pleader for Land Acquisition sought to contend that the petitioners received compensation by filing 'Full Satisfaction Memo' by restricting interest at 9% and 15% only on the enhanced market value and they are estopped from claiming further amounts, it is not the case of the Government Pleader that the petitioners have waived their right to seek interest on the Additional Market Value and Solatium, which has been specifically granted to them in the order passed by the Division Bench of this Court on 18.03.2006 in A.S.No.329 of 2004.

5. Therefore, I hold that the petitioners are entitled to interest on Additional Market Value and Solatium as held in the common order dt.04.08.2008 in W.P.No.4128 of 2007 and Batch and in the order dt.20.09.2007 in W.P.No.14864 of 2007.

6. Accordingly, the Writ Petition is disposed of directing the respondents to deposit interest payable on the Additional Market Value as well as Solatium, within a period of two (02) months from the date of receipt of a copy of this order before the Reference Court and on such deposit, the said Court is

directed to disburse the same to the petitioners. If the amount is not deposited as directed, the petitioners are entitled to file Execution Petitions for recovery of said amounts. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

04th October, 2017.

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