

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.23655 of 2008

ORDER:

Heard Sri P.Sridhar Reddy for petitioner, the Assistant Government Pleader for respondents 1 to 3 and Sri M.Srikanth Reddy for 5th respondent.

Petitioner claims to be the owner of subject matter of the writ petition. According to him, he is entitled to receive ex-gratia or compensation paid by respondents 1 to 3 for acquiring the subject matter of the writ petition.

Briefly stated, the grievance of the petitioner is that the 3rd respondent, for reasons best known to him or by reference to collusive or fraudulent entries, had taken steps for paying ex-gratia/ compensation to 5th respondent and by referring to such payment in favour of 5th respondent, the petitioner was sought to be dispossessed. Hence, the writ petition.

Respondents 1 to 3 filed counter affidavit and also petition to vacate the interim order dated 30.10.2008.

I have perused the reply of respondents as well as the 5th respondent. The respondents justify exclusion of petitioner's claim by referring to few orders and also changes effected in revenue records. It is further stated that the orders for payment have been issued and the 5th respondent has received the amount as well.

Having regard to the order I propose to pass in the instant writ petition, I am not adverting to various facts in issue raised by the petitioner vis-a-vis 5th respondent.

Admittedly, a dispute on payment of ex-gratia/compensation is brought to the notice of this Court in the present writ petition.

The petitioner relies upon extracts from revenue records and also pattadar pass books issued in her favour. The 5th respondent relies upon the orders passed by the 3rd respondent in support of his right and title to subject matter of writ petition.

As disputed questions of fact are involved and further an enquiry into revenue records maintained by 3rd respondent vis-à-vis subject matter of the writ petition is required, I am satisfied that the writ petition can be disposed of by this order.

The parties are directed to maintain *status quo* as regards disbursement/payment of ex-gratia or compensation payable by respondents 1 to 3 for acquiring subject matter of writ petition for a period of three months from today. The petitioner is given liberty to file revision/petition both for claiming compensation and challenging orders which are referred in the counter affidavit of 3rd respondent by enclosing copy of this order before the Revenue Divisional Officer within six weeks from today. The Revenue Divisional Officer calls for record from the 3rd respondent, issues notice to 5th respondent, affords opportunity to rival parties and disposes of the revision/petition of petitioner. The petitioner, if does not file revision/petition as permitted by this Court, the *status quo* granted by this order shall cease to subsist with the expiry of four weeks.

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

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V. BHATT, J

Date: 11.08.2017
KLP

