

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12740 OF 2017

ORDER:

The case of the petitioners is that they are all agriculturists and their lands are in various survey numbers i.e.Sy.Nos 64/A etc., Sy.No.17/A1Aetc., of Yemmiganur Municipality are acquired by the respondents for providing house sites to the weaker sections of the locality in Yemmiganur Municipality by way of issuing two different notifications under Section 4(1) of the Land Acquisition Act, 1894 i.e. on 26-09-1998 and 17-10-1998 and award was passed on 04-02-2006 and 16-02-2006 fixing award at Rs.42,000/- per acre for dry lands and Rs.46,000/- per acre for wet lands. Since Yemmiganur Municipality was already declared as Special Grade Municipality in the year 1996 itself, when adjacent lands were acquired by the Government, Division Bench of this Court enhanced it at Rs.2,00,000/- per acre vide A.S.No.1544 of 1986. Therefore, on various grounds, the petitioners filed protest petitions and their awards are referred to the Senior Civil Judge's Court, Adoni in OP.No.56 of 2006 and batch and Senior Civil Judge, Adoni enhanced the compensation at Rs.3,00,000/- per acre vide judgment dated 26-02-2010, though they claimed Rs.6,50,000/- per acre. Dissatisfied with the said amount, the petitioners filed appeals i.e. L.A.A.S.No.587 of 2010 and batch and the Government has also filed their appeals i.e. L.A.A.S.No.29 of 2012 and Batch and after hearing both sides, Division Bench of this Court

dismissed both the appeals. Since the respondents have not taken any steps for filing any appeal nor deposited any decretal amount till date and the same has become final, the petitioners filed EPs viz., E.P.Nos 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 44, 45, 46, 47, 48, 49, 50, 51 and EP No.52 of 2017 on the file of Senior Civil Judge, Adoni and notices were already served on the L.A.O. and petition for attachment of movable properties of the 3rd respondent was posted on 31-03-2017 and the counters are filed by the 3rd respondent. Aggrieved the inaction of the respondents in not depositing legitimate compensation, which the petitioners are entitled for, as per judgments of this Court the present writ petition is filed.

Heard learned counsel for the petitioner, who submits that in view of judgment of **Bhamidipati Annapoorna v. Land Acquisition Officer, Yeleru Reservoir Project**¹ the writ petition is maintainable.

Heard learned Assistant Government Pleader for Land Acquisition.

Since the petitioners were granted enhanced compensation, the same is confirmed by this Court, the respondents are obligated to deposit the amounts, which the petitioners are entitled in the respective EPs filed by them as per the judgment referred supra.

In view of the same, the writ petition is allowed. The respondent-authorities are directed to deposit the amount of

¹ 2005 Law Suit (AP) 167

compensation which the petitioners are entitled in terms of decrees and judgments in respective E.Ps viz., E.P.Nos 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 44, 45, 46, 47, 48, 49, 50, 51 and EP No.52 of 2017, within a period of eight weeks from the date of receipt of a copy of this order.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

23-11-2017
Nvl

A.RAJASHEKER REDDY,J



