

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

WRIT PETITION No.20461 of 2009

ORDER:

This Writ Petition has been filed by petitioners, whose lands in Cheerlavancha of Siricilla Mandal, Karimnagar District got submerged in Mid Manair Project.

2. Admittedly, there were proceedings for acquisition of this land under the Land Acquisition Act, 1894 (for short “the Act”); Section 4(1) notification was published on 19-10-2006 in the A.P. Gazette and declaration under Section 6 of the Act was also published in the A.P. Gazette on 20-10-2006. Subsequently paper publication of the notification and declaration also took place.

3. Petitioners contend that the award was passed fixing compensation of Rs.2,10,000/- per acre, but the respondents did not pay 30% solatium and 12% additional market value on topes and other trees as is mandated by the Act.

4. When a representation was made by petitioners in that regard to the 1st respondent, the 1st respondent rejected the said representation by the impugned order dt.23-07-2009 on the ground that there was a consent award passed under section 11(2) of the Act as a package deal, the compensation was also paid to the awardees and since the

award had become final, there is no provision to consider any further claim and to re-open the case, which was so settled.

5. Learned counsel for petitioners contends that discrimination cannot be made among the awardees under the same Project and the petitioners also ought to have been paid 30% solatium and 12% additional market value fixed on the award and therefore seek a direction to respondents to pay the said amount in respect of the lands which were acquired for the said Project.

6. Counter-affidavit is filed by 2nd respondent refuting the above contentions. The 2nd respondent states that petitioners gave their willingness as a package deal and compensation including topes value was awarded to them on 30-03-2007 vide award No.11/2006-2007. He contends that the petitioners agreed and signed Form-III and IV in terms of Section 11(2) r/w Section 31(2) of the Act. In particular, he placed reliance on para-3 in Form-III, which reads that the owner and interested persons shall not claim any amount in addition to the amount agreed upon as aforesaid as compensation and accept it without any protest. It is contended that the award is a consent award and was passed at the instance of petitioners and having received compensation thereunder, they cannot claim any further amounts such as solatium and additional market value, having given up the said claims in Form-III and IV submitted by them to 1st respondent.

7. No reply affidavit is filed by petitioners denying that they executed form-III and IV wherein they agreed not to claim any amount in addition to the compensation awarded by 1st respondent. Once Form-III and IV as prescribed under Section 11(2) and Section 31(2) of the Act are submitted by petitioners and they received the compensation as a package deal and agreed not to claim any further amount from the State, they cannot subsequently again make a claim for 30% solatium and 12% market value on the compensation amount granted.

8. I therefore do not find any illegality and impropriety in the order dt.23-07-2009 of the 2nd respondent declining to pay the said amount claimed by petitioners.

9. The Writ Petition is accordingly dismissed. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09-10-2017
Vsv