

HON' BLE SRI JUSTICE S. V. BHATT

Writ Petition No.5115 of 2009

ORDER:

Heard Mr. K. Murali Krishna for petitioners and the learned Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioners challenge the proceedings No.G1/ 2433/ 2008 dated 11.07.2008 of 2nd respondent and draft declaration under Section 6 of the Land Acquisition Act, dated 18.07.2008, as illegal and arbitrary.

3. The 2nd petitioner, from the written instructions dated 31.07.2007, it appears has received Rs.5,24,230/- for acquiring 286 sq. ft. in terms of Award No.32-9/ 2011-12 dated 16.03.2012. Therefore, the cause in respect of the 2nd petitioner does not survive.

4. The 1st respondent, insofar as first petitioner is concerned, passed Award No.32-7/ 2008-09 dated 27.03.2010 determining the compensation payable to him as Rs.5,09,945/-. The prayer is confined to Section 6 declaration and now it is brought on record that an award was also passed for acquiring the property of 1st petitioner as well. However, the 1st petitioner declined to take compensation and called upon the respondents to pay interest till the date of payment. The same was not accepted by respondents. While that being the position insofar as responders are concerned, the writ prayer having regard to the subsequent developments in the matter cannot also be treated as comprehensive prayer laying a challenge to the award passed by respondents. Learned counsel for petitioners, for want of instructions, is unable to take necessary steps in this behalf.

5. Having regard to these circumstances, the writ petition is disposed of by giving liberty to 1st petitioner to represent respondents by enclosing a copy of this order, to pay compensation together with interest till the date of payment under Land Acquisition Act. The said payment shall be made within eight (8) weeks from the date of receipt of representation. The respondents, if are not prepared to pay the amount as directed by this court, they can communicate the copy of the award to 1st petitioner and the 1st petitioner can workout his legal remedies against the award.

6. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 01.08.2017
BSS



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