

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.37375 of 2016

ORDER:

By way of order vide proceedings Roc.No.70/2012/SDT dated 29.9.2016, the Special Deputy Collector (Land Acquisition), Polavaram Irrigation Project Right Main Canal, Unit-II, Eluru, West Godavari District-3rd respondent directed payment of compensation to the 4th respondent in respect of the subject lands.

2. This Court on 2.11.2016 directed the Respondents 1 to 3 not to disburse the compensation to the petitioners as well as 4th respondent, for a period of eight weeks and extended the said order by four more weeks on 28.12.2016 and further extended by two more weeks on 24.1.2017.

3. It is brought to the notice of this Court during the course of arguments that after filing the Writ Petition, the petitioners herein have instituted suit O.S.No.465 of 2016 on the file of Court of Additional Senior Civil Judge, Eluru for partition and also filed I.A.No.2359 of 2016 under the provisions of Order 38 Rule 5 of CPC, praying for attachment of the amount lying in the bank account of 4th respondent and the same is pending consideration. It is also brought to the notice of the court that the 3rd respondent also addressed a letter to the 4th respondent's Bank, requesting not to pay the amount and the amount is now lying with the account of 4th respondent.

4. In view of the above developments, the Writ Petition is disposed of, keeping it open to the petitioners to pursue the suit remedy already availed and also the application filed for attachment of the property.

A.V.SESHA SAI, J

Date: 2.2.2017
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