

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT PETITION NO.1896 OF 2010

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

While the petitioners' claim that, on resumption of assigned lands, they were not paid compensation, it does not appear to be in dispute that the petitioners were paid compensation equivalent to market value of similar lands i.e. of Rs.28,000/- per acre. The dispute revolves around payment of solatium of 30%, and additional market value at 12%.

Learned Government Pleader for Land Acquisition would submit that, in terms of G.O.Ms.No.1307 dated 23.12.1993, assignees are not entitled for payment of additional market value but are entitled for solatium at 30%. Even this 30% solatium does not appear to have been paid to the petitioners till date.

Sri G.Rama Sarma, learned counsel for the petitioners, would draw out attention to the Larger Bench judgment of this Court in its order dated 09.03.2004 in W.A. No.170 of 2002 (**Land Acquisition Officer-cum-Revenue Divisional Officer, Chevella Division vs. Mekala Pandu**) to contend that the petitioners are not entitled for payment of compensation on par with land owners whose lands are acquired under the Land Acquisition Act, 1894.

The Larger Bench judgment of this Court binds us. The mere fact that G.O.Ms.No.1307 dated 23.12.1993, which is in the nature of executive instructions issued under Article 162 of the Constitution of India, does not require additional market value to be paid, would not justify a view, contrary to the Larger Bench

judgment of this Court in **Mekala Pandu**, being taken by us. The respondent shall, within three months from the date of receipt of a copy of this order, pay the petitioners compensation, in terms of the Larger Bench judgment of this Court in **Mekala Pandu**, on par with the land owners whose lands were acquired under the Land Acquisition Act, 1894.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(**RAMESH RANGANATHAN, ACJ**)

(**J.UMA DEVI, J**)

29th August 2017
RRB

