

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6238 OF 2007

ORDER:

The writ petition is filed to declare the action of the respondents in not paying the balance amount of compensation due to the petitioners in E.P.No.57 of 2003 in O.P.No.69 of 1994 before the Senior Civil Judge, Peddapauram.

The brief facts of the case, according to the petitioner are that the land of the petitioner for an extent of Ac.7.61 cents in Sy.Nos.318,319,320, 321 of J. Annavaram Village, East Godavari District was acquired by the Government for the purpose of formation of Borrow area and submersion of YRP project as per Award No.7/1998 dated 6.8.1988 and the petitioner sought for a reference under Section 18 of the Land Acquisition Act, 1894 (for short, "the Act") to the Civil Court. The Subordinate Judge, Peddapuram vide judgment dated 6.8.1998 in O.P.No.69 of 1994 fixed the market value of the land @ Rs.55,000/- per acre. The Government carried the matter in appeal to the High Court by way of appeal i.e., A.S.No.572 of 1999 and vide judgment dated 24.7.2000, this Court modified the order of the trial Court. Then the petitioner filed E.P.No.57 of 2003 along with the calculation memo claiming an amount of Rs.11,40,993.65 ps after deducting the amount of Rs.2,26,299.65 ps already deposited by the 1st respondent. Even though the calculation memo was filed in April, 2003, respondents have not deposited the amount in the E.P No.57 of 2003 and that the E.P is being adjourned from time to time.

The writ petition was admitted on 25.6.2007.

Counter affidavit has been filed on behalf of the respondents stating *inter alia* that the S.L.P.(CC) Nos.2312-2331 of 2004 filed by the respondents before the Supreme Court were dismissed on 19.3.2004. After receipt of the orders from Supreme Court in S.L.Ps, revised calculations have been submitted to the Government through the District Collector, East Godavari District on 22.7.2005 and that the action is being taken for obtaining the funds from the Government for depositing in the E.P.No.57 of 2003, they sought for three months time to deposit the decretal amount due to the petitioner.

Today, when the matter came up for hearing, learned Government Pleader for Land Acquisition passed on the written instructions received from the Land Acquisition Officer & Revenue Divisional Officer, Peddapuram dated 28.11.2007. According to the said written instructions, the Revenue Divisional Officer has taken steps for settling the issue and an amount of Rs.6,40,000/- was deposited before the Senior Civil Judge Court, Peddapuram vide cheque No.436279 dated 26.6.2015. As the amount due to the petitioner has been deposited before the concerned Court, no further orders are required to be passed in the matter and the writ petition is liable to be closed.

Accordingly, the writ petition is closed. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

KONGARA VIJAYA LAKSHMI,J

Date:30.11.2017.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Gk

