

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

C.C.No.1515 of 2015

O R D E R:

This Contempt Case is filed under Sections 10 to 12 of the Contempt of Courts Act, 1971 alleging wilful disobedience of the order dated 11.11.2013 passed by this Court in W.P.No.9971 of 2010.

2. Petitioner herein along with 15 others filed the said writ petition for a direction to the respondents to pay ex-gratia to them on par with the patta lands and also in accordance with the G.O.Ms.No.1307, Revenue (Assignment.I) Department, dated 23.12.1993.

3. This Court, by way of an order dated 11.11.2013, allowed the said writ petition, directing the respondents to pay ex-gratia to the petitioners by fixing the market value on par with the patta lands in terms of G.O.Ms.No.1307, Revenue (Assignment.I) Department, dated 23.12.1993, within a period of two months from the date of receipt of the order while making it clear that the amounts already paid to the petitioners should be given credit to.

4. Heard Sri M.S.Prasad, learned Senior Counsel, representing Sri T.C.D. Sekar, learned counsel for the petitioner on record and the learned Government Pleader for the respondents.

5. Initially, on 09.09.2015, the District Collector, Chittoor District filed a counter affidavit, stating that the patta lands are adjacent to NH.4 Chennai to Bangalore High Way Road and covered with irrigation facilities and some with Mango garden and are fertile, as such, the authorities fixed the

compensation at Rs.5,50,000/- per acre by obtaining consent. The said counter further states that for DKT lands the authorities fixed the compensation at Rs.2,08,000/- per acre and that there cannot be any comparison between DKT and Ryotwari lands and that the ex-gratia was paid as per G.O.Ms.No.1307, Revenue (Assignment.I) Department, dated 23.12.1993. It is further stated in the said counter affidavit that the District Collector addressed a letter dated 05.09.2015 to the Government for clarification for payment of compensation to DKT lands on par with patta lands and the orders of the State government being awaited.

6. Vide orders dated 06.04.2016 and 28.06.2016 in C.A.No.215 of 2016 Sri B.Sridhar, Vice-Chairman & Managing Director, APIIC and Sri J.C.Sharma, Principal Secretary, Revenue, (Land Acquisition) Department have been directed to be impleaded. The District Collector filed another counter affidavit in December 2016, stating that after exhausting all remedies, the Government finally complied the orders of this Court dated 11.11.2013 by making payment of Rs.8,55,140/- to the petitioner on 02.11.2016. Following are the particulars furnished in the said counter affidavit as regards revised payments made to the petitioner:

a)	Market value adopted previously	Rs.1,60,000/- per acre
b)	Solatum @ 30% adopted previously	Rs. 48,000/- per acre
	Total	Rs.2,08,000/- per acre
c)	Market value now adopted as per orders of Honourable Court on par with patta land.	Rs.2,90,000/- per acre
d)	Solatum @ 30 adopted	Rs. 87,000/- per acre
	Total	Rs.3,77,000/- per acre
	Differential ex-gratia arrived (377000-208000= 169000)	Rs.1,69,000/- per acre
e)	For total extent of 5.06 acres differential ex-gratia paid to petitioner (169000x5.06= 855140)	Rs.8,55,140/-

7. While referring to the above particulars, it is submitted by the learned counsel for the petitioner that contrary to the orders of this Court the respondents herein paid the above said sum of Rs.3,77,000/- per acre and paid Rs.5,50,000/- per acre towards private lands. Following are the particulars of the amounts paid towards the private lands:

“1.	Land value fixed	...	...	..Rs.2,90,000/- per acre
2.	Solatum 30%	...	...	..Rs. 87,000/- per acre
3.	Total	...	...	..Rs.3,77,000/- per acre
4.	Percentage of enhancement			
	In the Negotiations 47.92%			..Rs.1,73,000/- per acre
5.	Total fixed per acre			..Rs.5,50,000/- per acre”

8. In the counter affidavit deposed by the District Collector, Chittoor dated 30.12.2016 it is stated that the petitioner herein is not entitled to claim an amount of Rs.1,73,000/- in addition to the amounts already granted and that the said amount was arrived at during the course of negotiations between the pattadars and the Land Acquisition Officer while passing the consent award. It is further stated that the said amount of Rs.1,73,000/- was paid in addition to the market value and the solatium arrived at. It is also stated that the compensation amount is fixed in favour of the petitioners strictly in compliance of the orders of this Court in terms of G.O.Ms.No.1307, Revenue (Assignment.I) Department, dated 23.12.1993. Eventually, it is submitted by the learned Government Pleader that there is no violation of the orders of this Court.

9. The Award dated .08.2010 passed by the Land Acquisition Officer and RDO, Madanapalle vide D1/5773/2010 is placed on record and a perusal of the same shows, in clear terms, that the same is a consent award passed after negotiations with the private land owners. It is also evident from the said award that during the negotiations the private land

owners agreed for passing a consent award subject to enhancement by 47.92 % which would come to 1,73,000/- per acre, which resulted in fixation of Rs.5,50,000/- towards private lands. G.O.Ms.No.1307, Revenue (Assignment.I) Department, dated 23.12.1993, is placed on record along with the counter affidavit of the respondents and paragraph 5 of the said Governmental order reads as under:

5. The Government after careful examination of the matter in consultation with the commissioner of Land Revenue, Irrigation and Command Area Development Department and Finance Department hereby order payment of/ex-gratia equivalent to the market value, to the assignees whose lands are resumed for the projects and other public purposes and equivalent to valuation for other private orchards and structures, wells etc removing the distinction stipulated in para (3) of G.O.ms.No.428, Revenue (Asn.I) Department, dt 24-4-92, subject to the following conditions:-

- “(a) that the amount is too be treated as ex-gratia;
- (b) that the assignees would not be entitled for making references under Section 18 and Section 28-A of Land Acquisition Act to the Courts;
- (c) amount equivalent to 15% for the lands resumed prior to 30-4-82 and 30% after what date, on the market value payable under Section 23 (2) of Land Acquisition Act may be considered for being included in the total ex-gratia payable to the assignees as solatium;
- (d) that the assignees will not be entitled for interest or additional market value under the Land Acquisition Act;
- (e) that the above conditions shall be made applicable to all the assigned lands resumed on or after 9-2-1984 (i.e, that date of issue of G.O.Ms.No.180, Revenue, dated 9-2-04, in supersession of G.O.Ms.No.43, Revenue (B) Department, dt 23-1-88.”

9. In the contempt application, it is not the case of the petitioner herein that the respondents did not pay the amounts in accordance with the above said Governmental orders dated 23.12.1993. As rightly contended by the learned Government Pleader the petitioner herein cannot complain violation of the orders of this Court when the fact remains that the market value of

the land was fixed admittedly on par with the private lands and the said amounts were paid to the petitioners.

10. In view of the above reasons, this Court does not find any violation of the orders of this Court by the respondents herein in dealing with the issue. Accordingly, the Contempt Case is dismissed. However, this order will not preclude the petitioners herein from pursuing their remedies, if any.

There shall be no order as to costs.

A.V.SESHA SAI, J

Date:14.07.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



C.C.No.1515 of 2015

Dated: 14.07.2017

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