

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 791 OF 2017

ORDER:

This Contempt Case is filed alleging wilful violation of the interim order dated 28.10.2016 passed by this Court in Writ Petition No. 36710 of 2016, which reads as under:

“ Even as per G.O.Ms.No. 140, dated 02.06.2016, the petitioner was offered to be given the land at Tekkemitta of Nellore Municipal Corporation, which is being valued at Rs.16,500/-. In other words, the rate at which the petitioner is required to be compensated already stands determined at the rate of Rs.16,500/-. It is the case of the petitioner that the land which is now sought to be allotted to the petitioner is of no value and it is not suitable for him in any manner. Inasmuch as the petitioner had agreed to take either the value or the suitable land as the present land which is offered being not suitable, no prejudice as such would prima facie cause to the respondent-authorities to make the payment in lieu of the land at the rate of Rs.16,500/- per square yard as equivalent value as per G.O.Ms.No. 140. As this is a matter which has been pending since 1994, it requires to be given a quietus consideration that this is a fit case for referring for mediation. In that view of the matter, learned counsel appearing for the respondents shall get instructions on the aspect of referring the matter to mediation, so as to make the petitioner as well as the competent authorities from the respondents to sit across and settle the same.”

Since the challenge is as to G.O.Ms. No. 140, dated 02.06.2016, at the time of hearing the Writ Petition, this Court was given an impression that the petitioner is willing to take compensation in lieu of the land acquired from him. In that view of the matter, and considering the material on record that at one point of time, the land, which was sought to be offered in exchange to the one taken from the petitioner, was valued at Rs.16,500/- per square yard, a direction was issued to the respondents to calculate the amount payable to the land acquired at that rate, so as to bring a quietus to the *lis*. Once again, dealing with this aspect of

matter, on 01.09.2017, the learned Standing Counsel was given a week's time to get instructions and file an affidavit before this Court to arrive at the total amount payable by applying simple multiplication at Rs.16,500/- per square yard as already set out in the order of this Court on 28.10.2016.

Today, when this case is taken up for hearing, it is clarified by the learned counsel for the petitioner that as a matter of fact, in lieu of the land, which was acquired from the petitioner in 1994, the respondents had, in fact, transferred the rights over three pieces of land in L.P.No. 70 of 1991 to an extent of Ac.0.40 cents, L.P.No. 66 of 1982 of Ac.1.06 cents and L.P.No. 55 of 1995 of Ac.3.05 cents, totalling Ac.1.765 cents and executed an exchange deed in favour of the petitioner on 23.02.2013 itself. Now, the learned Standing Counsel for the respondent Corporation contends that the land having been transferred in favour of the petitioner, he became the owner of the same and hence, it cannot be acquired except by following the procedure laid down under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. According to him, paying compensation at Rs.16,500/- per square yard, which is sought to be offered to the petitioner, is not agreeable.

In view of the above submissions made by the learned Standing Counsel, the initial settlement proposals, which have been discussed before this Court to give a quietus to the *lis* in the Writ Petition, have not worked out.

Inasmuch as there seems to be no remote possibility for settlement and considering the nature of the order which has been

made, I do not find any contempt having been committed, *prima facie*, by the respondents.

In those circumstances, the Contempt Case is closed. It is, however, made clear that the observations made in this order shall not be viewed, in any manner, expressing any opinion on the merits of the matter. The rights of the parties are required to be considered independently in the pending proceedings.

CHALLA KODANDA RAM, J

24th November 2017

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