

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20308 OF 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to direct respondent Nos.1 to 3 herein to award interest on the market value, solatium and additional market value from the date of Award, dated 23.3.1981, i.e., the date of taking possession to the date of realization instead of from the date of 28-A applications i.e., 20.8.1991 on par with the judgment and decree of the Subordinate Judge, Rajampet, Kadapa District passed in L.A.O.P.No.306 of 1987 dated 26.4.1991 and pay the same to the petitioners herein in pursuance of their applications filed under section 28-A dated 20.08.1991.”

2. The main prayer of the petitioners herein is to direct the respondents to award interest on the market value, solatium and additional market value from the date of Award i.e., 23.03.1981 instead of from the date of filing applications under Section 28-A of the Land Acquisition Act, 1894.

3. Learned counsel for the petitioners submitted that the issue involved in this writ petition is squarely covered by the orders, dated 24.07.2008 and 21.07.2008, in W.P.Nos.8889 of 2008 and 2183 of 2008 respectively and hence, prays to pass the similar order.

4. The operative portion in W.P.No.8889 of 2008 reads as under:-

“In the circumstances, I deem it appropriate to dispose of the Writ Petition setting aside the impugned

order to the extent of the interest awarded and holding that the petitioners herein shall be entitled to interest and other statutory benefits in terms of the award passed in LAOP.No.108/2000 on the on the file of the Court of the Senior Civil Judge, Rajampet, which was referred to Lok Adalat, Kadapa in LAC.No.199 of 2007 on the file of the District Legal Services Authority, Kadapa.

Accordingly, the writ petition is disposed of modifying the impugned order to the extent indicated above. No costs.”

The operative portion in W.P.No.2183 of 2008 reads as under:

“As a matter of fact, in similar circumstances this Court disposed of W.P.No.13241 of 2008 by order dated 02-07-2008 holding that the petitioners therein shall be entitled to interest in terms of the award passed by the reference Court in respect of the lands covered by the same notification.

Having regard to the settled legal position, the impugned order dated 31-12-2007 to the extent of awarding the interest and denying the other statutory benefits is hereby set aside and it is declared that the petitioners herein shall be entitled to interest and all other statutory benefits in terms of the award passed in LAOP.Nos.890 and 891 of 1999 dated 25-02-2002 on the file of the Court of the District Judge Kadapa.

Accordingly, the writ petition is disposed of modifying the impugned order to the extent mentioned above. The respondents shall pay the amounts to which the petitioners are entitled to in terms of this order as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of a copy of this order. No costs.”

Considering all the facts and circumstances of the case and in view of the above submission of the learned counsel for the petitioners, the impugned order to the extent of awarding interest and other statutory benefits is hereby set aside and it is declared that the

petitioners herein shall be entitled to interest and other statutory benefits in terms of the orders passed in W.P.Nos.8889 of 2008 and 2183 of 2008.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

20.04.2017
AMD



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Date: 20.04.2017

AMD