

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.427 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner company, who is respondent No.6-claimants in LAOP.No.14 of 2012 on the file of the I Additional Senior Civil Judge, Nellore, Nellore District (for brevity "the Court below"), aggrieved by the action of the Court below in not disposing of I.A.No.227 of 2016 in LAOP.No.14 of 2012 filed under Section 151 of C.P.C., seeking permission to withdraw the compensation amount of Rs.86,53,600/-, which was deposited by the Land Acquisition Officer, Nellore, in relation to an extent of Acs.14-50 cents, out of Acs.17-86 cents in Sy.Nos.531 to 537 of Epuru Bit-I Village, Muthukur Mandal, SPSR Nellore District.

2. It is the case of the petitioner company that it had purchased an extent of Acs.14-50 cents, out of Acs.17-86 cents in Sy.Nos.531 to 537 of Epuru Bit-I Village, Muthukur Mandal, SPSR Nellore District, under a registered sale deed bearing No.1299/1994, dated 26.11.1994, and the said land came to be acquired by the State for the purpose of Krishnapatnam Port and an Award No.1/2011-12, dated 30.07.2011, was passed for total extent of land and compensation amount was also deposited in the Court. Though, there are several claimants in relation to the total

extent of land, so far as the land purchased by the petitioner company is concerned, there are no rival claims. Therefore, the petitioner company filed the aforesaid I.A.No.227 of 2016 in LAOP.No.14 of 2012 seeking permission to withdraw the compensation amount in respect of the land purchased by it. Though, there are no rival claims in respect of the subject land, the Court below is not disposing of the application filed by the petitioner company. Hence, the present Civil Revision Petition.

3. It is the contention of the learned counsel for the petitioner company that though, more than one year has elapsed having filed the said application in December, 2015 and all the respondents filed counter expressing no objection to permit the petitioner company to withdraw the amount in respect of the land purchased by it, the Court below is not disposing of the said application.

4. Having considered the submission of the learned counsel for the petitioner company and also considering the nature of the relief sought for in the aforesaid application, this Civil Revision Petition is disposed of with a direction to the learned I Additional Senior Civil Judge, Nellore, Nellore District, to dispose of I.A.No.227 of 2016 in LAOP.No.14 of 2012 by passing appropriate orders on merits in accordance with law, after affording an opportunity of hearing to all the

parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

5. Miscellaneous petitions, if any, pending in this revision shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

27.01.2017.
Msr



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