

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17677 of 2010

ORDER:

The petitioner prays for Writ of Mandamus directing the 1st respondent firstly to pay compensation to petitioner for acquiring the land admeasuring Ac.3-75 cents in Sy.No.62/1B situated at Venkata Dasaripalle, Pulicherla Mandal, Chittoor District, or in the alternative, the petitioner and the 2nd respondent are claiming compensation, refer the dispute to Civil Court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act').

On 26.07.2010, this court granted interim direction restraining the 1st respondent from disbursing compensation for acquiring the subject matter of writ petition to the 2nd respondent.

The 2nd respondent filed petition to vacate the interim order dated 26.07.2010 and also counter affidavit.

The 1st respondent filed counter affidavit and it is stated that the 1st respondent, after taking note of the rival claims and also the dispute on title and entitlement, has decided to refer the matter under Section 30 of the Act to the Civil Court. Accordingly, the dispute is referred to Civil Court and a sum of Rs.13,63,033/- is also deposited before the learned Principal Senior Civil Judge, Chittoor. The 1st respondent, since has

referred the dispute for decision of Civil Court, this Court, at this stage of the matter, is not considering the first prayer. As the substantive issue between the parties is pending before the Civil Court, the parties have to work out their pleas in the pending reference.

The acquisition was made in the year 2007. The compensation was deposited in the year 2010. Fairly sufficient time is lost in deciding who is entitled to the compensation. Either the petitioner or the 2nd respondent, if makes a request for expeditious disposal of O.P. by enclosing a copy of this order, this Court has no reason to doubt that the learned Judge would do the needful and dispose of the O.P.

With the above observations, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 03-08-2009
Prv

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03-08-2017

Prv

