

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI**

Writ Appeal No.708 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.20725 of 2014 dated 25.04.2017.

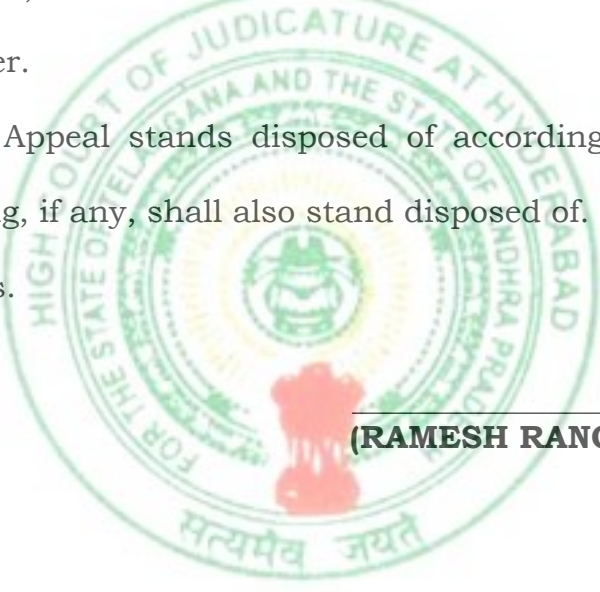
While the validity of the award dated 12.05.2010 is questioned on various grounds, Sri Virupaksha Dattatreya Gouda, learned counsel for the appellant-writ petitioner, would draw our attention to the affidavit filed by the appellant dated 18.06.2017 wherein he has expressed his no objection for disposal of the appeal with a direction to the respondents to deposit the awarded amount in the Reference Court with interest, from the date of the award till the date of payment, as per the provisions of the Land Acquisition Act, 1894 (for short "the Act").

It is not in dispute that, after the award was made, the compensation, payable in terms of the award, was deposited by the Land Acquisition Officer in revenue deposit vide challan No.4317 dated 28.01.2011 before the District Treasury, Kurnool. Section 31(2) of the Act provides that, if the land owner does not consent to receive the compensation, payable under the award, the Collector shall deposit the amount of compensation in the Court to which a reference under Section 18 of the Act would have been submitted.

The obligation on the Collector is to deposit the awarded compensation amount before the Court to whom a reference under Section 18 of the Act can be made. Deposit of the awarded compensation in revenue deposit, with the District Treasury Officer, Kurnool, does not amount to compliance of their statutory obligations under Section 31(2) of the Act.

Both Sri Virupaksha Dattatreya Gouda, learned counsel for the appellant-writ petitioner, and the Learned Government Pleader for Land Acquisition, would agree that the entitlement of the appellant-writ petitioner, for payment of interest, is in terms of Section 34 of the 1894 Act. We consider it appropriate, therefore, to direct the respondents to deposit the compensation awarded to the appellant-writ petitioner, in terms of the award dated 12.05.2010, along with interest, from the date of taking over possession till the date of deposit, under Section 34 of the Act before the Court to which a reference under Section 18 of the Act can be made. The aforesaid directions shall be complied at the earliest and, in any event, not later than six weeks from the date of receipt of a copy of this order.

The Writ Appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

19th June, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Date: 19.06.2017

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