

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43993 OF 2017

ORDER:

The grievance of the petitioners is that their lands were acquired along with other claimants' lands for formation of bypass road within the municipal limits of Miryalaguda Town, by issuing a common notification dated 15.02.2000 under Section 4(1) of the Land Acquisition Act, which was published in the District Gazette on 15.02.2000. A common award was passed on 19.09.2002 in proceedings No.E1/5520/1998, fixing the compensation of Rs.2 lakhs per acre for Category-I land and Rs.2,50,000/- for category-II lands along with other statutory benefits. The said award was referred as OP No.10/2005 on the file of Senior Civil Judge, Miryalaguda; and that the compensation was enhanced by the reference Court to Rs.564 per square yard; and that the same was confirmed in the appeal filed by the Land Acquisition Officer through its Judgment in LAAS No.134/2010 and batch dated 27.02.2015. It is also stated that the petitioners have not availed the remedy of Section 18 of the Land Acquisition Act. After coming to know about the enhancement of compensation made in respect of other claimants, petitioners also made an application under Section 28 A of the Land Acquisition Act for re-determination of compensation on

31.08.2009. Having received the said application, neither enquiry was conducted for re-determination of compensation amount nor any amount of enhanced compensation paid to the petitioners. As such, the petitioners filed WP.No.14211 of 2016 before this Court and this Court by a common order dated 27.04.2016 disposed of the above writ petition along with batch directing the Land Acquisition Officer to complete the enquiry upon 28A application of the petitioners, within four weeks. By enclosing the copy of the said order, petitioner through letter dated 28.10.2016 made an application before the LAO through their counsel. As per the directions of this Court the 5th respondent conducted enquiry and ordered payment of compensation as per the earlier Judgments of this Court together with statutory benefits and allowed petitioners application of 28A and prepared the draft award, sought the approval of the District Collector through his letter dated 27.12.2016. In turn, the 4th respondent through his letter dated 28.02.2017 addressed to the 1st respondent Government along with copies to other respondents herein for release of the amount as per the draft award of the LAO for payment of compensation to the petitioners. However, no steps were taken by the respondents till date for making any payments to the petitioners. Aggrieved by the same present writ petition is filed.

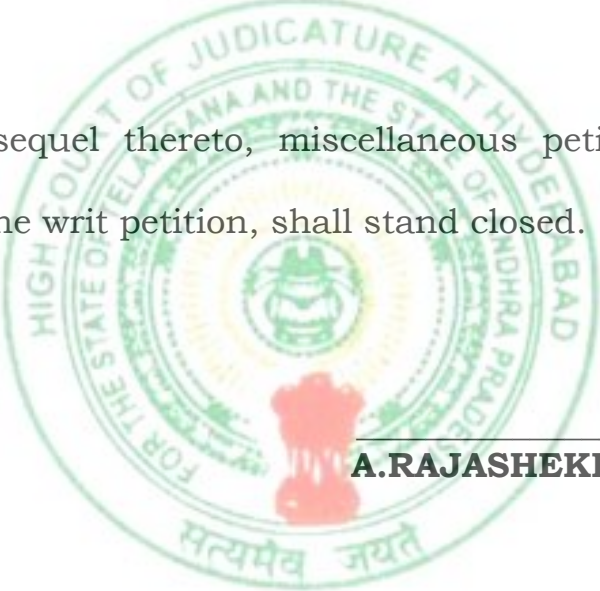
Heard learned counsel for the petitioners.

Having regard to the aforesaid facts and circumstances, the 1st respondent is directed to consider the proposal sent by the 4th respondent dated 28.02.2017 and take action for release of the compensation amounts payable to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

26.12.2017
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A.RAJASHEKER REDDY, J