

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1849 of 2018

ORDER:

This Writ Petition is filed challenging the inaction of the 3rd respondent in referring the petitioners' applications, dated 11.09.2017 and 30.11.2017 to the Civil Court for enhancement of the compensation under Section 18 of the Land Acquisition Act, 1894 (in short "the Act"), in respect of their land, admeasuring 93.21 Sq.yards, bearing H.No.1-5-9 to 14, situated at Musheerabad, Hyderabad, acquired for the benefit of the 4th respondent-The Greater Hyderabad Municipal Corporation.

2) It is the case of the petitioners that their land came to be acquired *vide* Notification dated 06.11.2007 and Award also came to be passed on 30.10.2010. As there was a dispute and rival claims with respect to the compensation, the Land Acquisition Officer had referred the case to Civil Court and the same was numbered as L.A.OP.No.2048 of 2011 on the file of the XXV Additional Chief Judge, City Civil Courts, Hyderabad. Finally, by judgment and decree dated 13.10.2016, the Civil Courts held that claimants 3 to 4 i.e., petitioners herein are original owners and they are entitled to receive the compensation amount with accrued interest, equally. Immediately, thereafter, the petitioners dissatisfied with the compensation granted, had approached the 3rd respondent seeking their case to be referred to the Civil Court under Section 18 of the Act by filing an application on 11.09.2017. In spite of the same, no action has been taken by the respondent authorities.

3) Heard the learned counsel for the petitioner.

4) Learned Standing Counsel appearing for the 4th respondent, initially, raised an objection stating that the application is to be filed

within six weeks from the date of Award and in exceptional circumstances, at any rate, within six months from the date of Award and thus, the prayer of the petitioners cannot be accepted.

5) Having considered the respective submissions and in the light of the judgment of the Supreme Court in **ALSIA PARDHI v STATE OF MADHYA PRADESH AND OTHERS**¹ relied on by the learned counsel for the petitioners, the objection raised by respondents 3 and 4 does not stand to scrutiny. Considering the scope of Section 18 of the Act, the cases falling under Section 30, the Supreme Court had categorically held that the reference can be sought within the stipulated time after disposal of the proceedings before the Civil Court. In the present case, the order of the Civil Court was dated 13.10.2016 and the compensation amount was paid on 08.09.2017 in terms of the Award dated 30.10.2010. The petitioners sought reference of the matter on 11.09.2017. In those circumstances, it is a fit case where a direction to be issued to the 3rd respondent to deal with the cases of the petitioners for enhancement of compensation, treating the Application, dated 11.09.2017, as protest petition with respect to the compensation amount awarded to them and take necessary steps in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6) Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

7) Consequently, Miscellaneous Petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date: 24.01.2018.
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¹ (2014) 2 Supreme Court Cases 725