

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL Nos. 342, 350, 385, 387, 406,
422, 426, 463, 501 and 554 of 2017

COMMON JUDGMENT: *(Per the Hon'ble Sri Justice Ramesh Ranganathan)*

These batch of writ appeals are preferred, by the State of Telangana, against the common order passed by the learned Single Judge in W.P.No.39533 of 2015 and batch dated 26.09.2016. In the said writ petitions a *mandamus* was sought to declare the action of the respondents (including the appellants herein) in not paying the determined, concluded amount of compensation payable to the writ petitioners, in respect of their acquired lands, as illegal, arbitrary, unjust and violative of Articles 14, 21 and 300-A of Constitution of India, and to consequently direct that immediate steps be taken for deposit of the determined compensation amount payable to the petitioners by depositing it to the credit of E.Ps. in various O.Ps. filed before the learned Senior Civil Judge, Miryalaguda, along with penal interest for delayed payment of 15 long years.

2. By the orders under appeal, the Learned Single Judge allowed all the writ petitions directing the respondents, including the appellants herein, to pay the total compensation amount in favour of the respondent-writ petitioners within a period of four weeks from the date of the order, failing which the respondent-writ petitioners were held entitled to additional interest @ 9% per annum on delayed payment.

3. This 9% interest, stipulated in the order under appeal, was essentially in the form of a penalty clause for the undue delay on the part of the State in payment of the compensation amount in terms of the awards which had attained finality.

4. When the matter was listed before us on 18.07.2018, we granted the learned Government Pleader for Land Acquisition time to ascertain whether the amounts payable, in terms of the order of the learned Single Judge, had, in fact, been paid within the stipulated time of four weeks.

5. Today, the learned Government Pleader for Land Acquisition would submit that the order passed by the learned Single Judge was on 26.09.2016; the four week period, stipulated therein for payment, expired on 25.10.2016; thereafter the appellants had filed an application seeking extension of time; a Division Bench of this Court had, by its order dated 15.06.2017, granted four weeks time to the appellants to deposit the entire amount; the four weeks time expired on 14.07.2017; the State had, within this period, paid Rs.25,00,57,621/- *vide* G.O.Rt.No.216 dated 18.04.2017 in three instalments on 22.02.2017, 12.07.2017 and 17.07.2017; the third instalment paid on 17.07.2017 was just three days after expiry of the four weeks extension granted by the Division Bench; and, as the Division Bench had granted extension of time till 14.07.2017, any amount paid by the appellants, to the credit of the E.Ps. before 14.07.2017, would not attract penal interest at 9%.

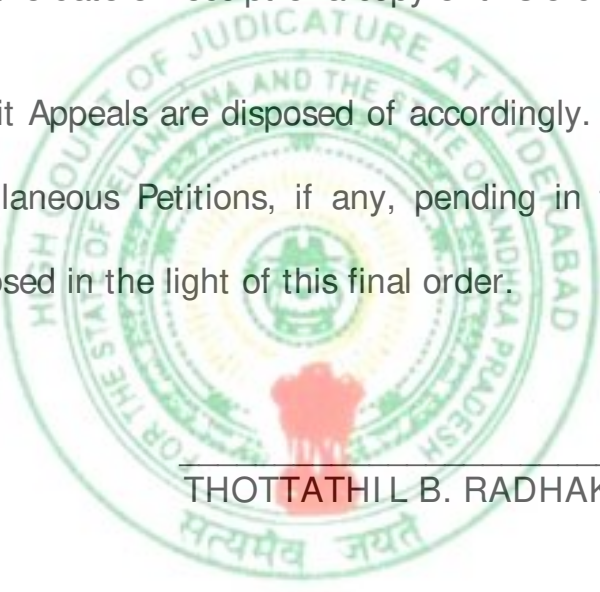
6. Sri L. Prabhakar Reddy, learned counsel for the respondent-writ petitioners, would submit that, since the amounts sanctioned in terms of the aforesaid G.O and which was deposited to the credit of the E.Ps was in terms of the proposal submitted by the Tahsildar on 14.07.2016, it is evident that the statutory benefits, which the land owners are entitled to after 14.07.2016, have not been paid till date.

7. As the four weeks, stipulated in the order under appeal, had expired, the appellants had sought extension of time to comply with the order of the Learned Single Judge. The Division Bench had, by its order dated 14.06.2017, granted four weeks time to the appellants to comply with the directions issued by the Learned Single Judge. We agree with the submission of the Learned Government Pleader that, in the light of the order of the Division Bench extending time till 14.07.2017, penal interest at 9% cannot be sought to be recovered from them till then. As there appears to be a dispute whether the entire amount payable, in terms of the award, has been deposited by the appellants to the credit of the E.Ps before 14.07.2017, suffice it to modify the order of the learned Single Judge to the limited extent that any amounts deposited by the appellants to the credit of the E.Ps, on or before 14.07.2017, shall not attract penal interest @ 9% per annum. However, with respect to the amounts payable, and which was not paid before 14.07.2017, the State shall discharge its liability in terms of the order of the learned Single Judge (i.e. inclusive of 9% penal interest). Since the E.Ps are said to be still pending before the

learned Senior Civil Judge, Miryalaguda in all these matters, suffice it to direct the learned Senior Civil Judge, Miryalaguda, while determining the amounts payable to the land owners by the State, to additionally impose 9% penal interest for the delayed payment made after 14.07.2017, by the appellants herein, till the actual date of payment.

8. We request the learned Senior Civil Judge, Miryalaguda to dispose of all the E.Ps. with utmost expedition, preferably within six months from the date of receipt of a copy of this order.

9. The Writ Appeals are disposed of accordingly. No order as to costs. Miscellaneous Petitions, if any, pending in the writ appeal shall stand closed in the light of this final order.



THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

Date: 20.07.2018
va/pnb