

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23274 of 2007

ORDER:

This writ petition is filed seeking a writ of mandamus, directing respondent No.14 not to pay any compensation to respondents Nos.1 to 12 or any other person or persons and refer the objections raised by the petitioners to the competent Civil Court under Sections 30 and 31 of the Land Acquisition Act, 1894 (for short "the Act").

Heard Sri K.Goverdhan Reddy, learned counsel for the petitioners, the learned Govt.Pleader for Land Acquisition and Sri Venkateshwar Varanasi, learned counsel for the contesting respondents.

It is the case of the petitioners that the lands in Sy.Nos.47, 65, 66, 73-C, 74, 106 and 210 of Chegyam village, Velgatoor Mandal of Karimnagar District were acquired by respondent No.14, and award was also passed by the competent authority. The petitioners herein had filed their objections and raised their claim for receiving compensation. The contesting respondents Nos.1 to 12 claim title over the said lands. At that point of time, the petitioners filed the present writ petition seeking a direction to respondent No.14 to refer the case to the competent civil court under Sections 30 and 31 of the Act.

The contesting respondents have not filed any counter. Respondent No.14 has filed counter affidavit, contending that in respect of the land in Sy.No.47 to an extent of 12.11 gts, the amount was already disbursed even before filing the present writ petition, and in respect of the land in Sy.Nos.65, 66, 73-C, 74 and 106, the case was referred to competent civil court, i.e., Senior Civil Judge's Court, Peddapalli under

Sections 30 and 31 of the Act. The respondents further contended that the land in respect of Sy.Nos.73-C, 74 and 106 is concerned, the amount has already been deposited in the civil court in O.P.No.17 of 2011. In respect of the land in Sy.Nos.65 and 66 is concerned, the amount has been kept in revenue deposits and the same has not been disbursed.

The learned counsel for the petitioners contends that whenever the case is referred to a competent civil court under Sections 30 and 31 of the Act, the amount shall be deposited in the civil court but not in the form of revenue deposits.

Having considered the rival submissions made by the parties, since according to the respondents, the amount in respect of the land in Sy.Nos.65 and 66 is concerned was lying in revenue deposits, respondent No.14 is directed to deposit the said amount in a competent civil court, within a period of 8 (eight) weeks from the date of receipt of a copy of this order, and on such deposit, the competent civil court shall issue notices to the contesting parties, and after affording an opportunity of being heard to the contesting parties, it shall adjudicate the issue, in accordance with law.

In so far as the land in Sy.Nos.73-C, 74 and 106 is concerned, the respondents on their own have referred the case to the Senior Civil Judge's Court, Peddapalli under Sections 30 and 31 of the Act. In so far as the land in Sy.No.47 is concerned, since the amount of compensation was already disbursed even before filing of the present writ petition, the petitioners are at liberty to pursue their remedies, in accordance with law.

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

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 27.03.2018
Dsr

