

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.742 OF 2018

ORDER:

This Contempt Case is filed for the alleged violation of the orders of this Court in W.P.No.18475 of 2006, dated 26.07.2017. While disposing of the writ petition, considering the material on record, this Court directed that the petitioner in the writ petition is entitled to additional compensation and in that view of the matter, a supplementary award for a sum of Rs.2,50,000/- was directed to be paid with consequential benefits and the entire exercise shall be completed within twelve weeks from the date of receipt of copy of the order.

2. Despite the notice issued to the respondent in the contempt case on 27.03.2018 with a direction to the respondent to file counter affidavit on or before 24.04.2018, no counter affidavit is filed. There was a specific caution to the respondent on the said date that if the counter affidavit is not filed within the time stipulated above, *ex parte* proceedings would be conducted treating that there is no counter affidavit on the part of the respondent. As there was no representation on behalf of the respondent on the next date of hearing i.e., 27.04.2018, the matter was directed to be listed on 08.06.2018. Again, when the matter was listed on 08.06.2018, there was no representation on behalf of the respondent and the learned Government Pleader for Land

Acquisition (AP) had submitted that except sending the vakalat, no instructions were sent to him. Recording the said submission and considering the conduct of the respondent to be reckless, this Court issued bailable warrant to the respondent.

3. Respondent is present today and a counter affidavit has been filed on 04.07.2018. In the counter affidavit, it is asserted by the respondent that he took charge as Revenue Divisional Officer, Jangareddigudem, on 03.11.2017 and due to heavy work of Polavaram Irrigation Project and other regular administrative duties, his staff has not placed the orders passed by this Court in W.P.No.18475 of 2006, before him. He further asserted that after receiving the communication from the Liaison Officer on 09.03.2018 regarding filing of the present contempt case, he caused enquiry and came to be aware of the orders in the writ petition. After receiving copy of the order and instructions from his higher authorities, he sought legal opinion from the Government Pleader for Land Acquisition, through letter dated 09.03.2018, regarding possibility of filing of writ appeal against the orders passed by this Court in W.P.No.18475 of 2006, dated 26.07.2017. On being advised by the learned Government Pleader that there was no grounds for filing writ appeal, immediately, he had taken necessary steps for implementation of the orders of this Court. He had also

addressed the District Collector vide Roc.No.1078/2005/H, dated 17.04.2018, for sanctioning of funds. He further asserted that supplementary award has also been passed on 17.04.2018.

4. The learned counsel appearing for the petitioner submits that there was no intimation to him nor a copy was marked with respect to passing of the supplementary award. The learned counsel appearing for the respondent submits that by oversight the supplementary award has not been intimated to the petitioner and for which, he seeks that the lapse may be condoned by taking lenient view and further submits that there was no willful default in non-implementation of the orders and causing the delay.

5. Having regard to the respective submissions, the case on hand only indicates the laxity on the part of the officials and insensitiveness in addressing and attending to the grievances of the individual citizen. As a matter of fact, at the initial stage itself, mistake has been committed by the respondent authorities by not taking into consideration of the value of the structures, well and trees existing in the land acquired. The amount which the petitioner is required to ought to have received is not awarded in the original award dated 22.05.2006, pursuant to the 4(1) Notification, dated 13.03.2006. In spite of repeated requests made by the petitioner, the then Land Acquisition Officer had not taken

steps to redress the grievance of the petitioner, which resulted in forcing the petitioner to approach this Court, having no other alternative, by way of filing writ petition in the year 2006. The respondent has not filed any counter in the writ petition. By observing the same, this Court made an order directing the respondent to pass supplementary award in terms of the agreed amount of Rs.2,50,000/- within twelve weeks from the date of receipt of the order. In normal circumstances, it would not take more than three days for passing the award, in spite of the same, this Court had shown indulgence by granting twelve weeks time considering the administrative bottlenecks. Even thereafter, no effort was made by the respondent to implement the orders of this Court and the orders of this Court came to be implemented only after filing of the contempt case. Even, when the matter was listed on 08.06.2018, learned Government Pleader had expressed his helplessness stating that no instructions were received. Even it can be assumed that the supplementary award has been passed on 27.04.2018, the said fact would have been intimated to the learned Government Pleader, but the same was not done in this case. Non-intimation or non-dispatch of the said fact to the learned Government Pleader by the respondent, while sending the vakalat to be filed in the contempt, appears that the supplementary award is back dated, which lends support to the contention of the petitioner.

6. Be that as it may be, as on date, supplementary award has been passed, though not communicated, the learned counsel for the respondent undertakes to ensure compliance of the orders of this Court within a period of six weeks from the date of receipt of the order and he also prays for condoning the delay. Considering the plea of the learned counsel for the respondent, the delay is condoned, while taking a lenient view, subject to the condition that the respondent shall ensure implementation of the award within a period of six weeks from the date of receipt of the order.

7. With the above direction, this contempt case is closed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed as a consequence. There shall be no order as to costs.



CHALLA KODANDA RAM, J

06.07.2018
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