

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
And
HON'BLE MS. JUSTICE J. UMA DEVI

+ W.P.Nos.13976, 13989, 13991, 13995, 14029, 14051, 14059,
14083, 14087, 14090, 14091, 14095, 14100, 14102, 14105,
14112, 14115 and 14123 of 2018

COMMON ORDER: (per VRS,J)

The petitioners have come up with the above writ petitions questioning the inaction on the part of the respondents in disbursing the amount of compensation payable in terms of the Lok Adalat Award, in a batch of cases arising out of the acquisition of land.

2. Heard Ms. Rachana Reddy, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition appearing for the respondents 1 to 4, Mr. J. Sreenivasa Rao, learned Standing Counsel for the 5th respondent and Mr. J. Anil Kumar, learned Standing Counsel for respondents 6 and 7.

3. At the request and for the benefit of Singareni Collieries Company Limited, which is arrayed as the 5th respondent in these writ petitions, a huge extent of land measuring about Ac.489.04 gts., in Kommepally Village and an extent of about Ac.34.39 gts., in Lankapally Village were acquired under the provisions of the Land Acquisition Act, 1894. The Land Acquisition Officer passed awards under Section 11 and the award amounts were also deposited with the District Court, Khammam, under Sections 30 & 31 of the Act, for an adjudication of the claims of rivals.

4. The reference under Sections 30 and 31 were treated as L.A.O.P.No.617 of 2014 in respect of Lankapally Village and L.A.O.P.No.619 of 2014 in respect of the land in Kommepally Village.

5. During the pendency of those references, a settlement was also reached between some of the land owners and Singareni Collieries Company Limited with regard to the quantum of compensation. Hence, the General Manager (Estates), Singareni Collieries Company Limited sent a letter to this Court, where writ petitions challenging the acquisition were pending, informing this Court about the settlement. But the amount of compensation agreed to by the beneficiaries could not be disbursed in view of the rival claims.

6. Therefore, the matter was referred to the High Court Legal Services Committee. Before the High Court Legal Services Committee, the claimants as well as the beneficiary Company agreed to have a survey of the acquired lands conducted with the help of the revenue officials, in order to find out the persons in possession and enjoyment of individual extents of land. It was also agreed that Grama Sabha will be conducted in the presence of the District Judge cum Chairman of the District Legal Services Authority and the revenue officials.

7. Accordingly a survey was conducted in both the villages and Grama Sabhas were also conducted. On the basis of the reports submitted thereafter, Lok Adalats were conducted by the District Legal Services Authority. The Lok Adalat passed about 15 awards pertaining to Lankapally Village and 115 awards pertaining to Kommepally Village. But the Principal District and Sessions Judge did not allow disbursement of the compensation, as per the Lok Adalat Awards, on the ground that the awards did not contain the signatures of all the rival claimants. Therefore,

the land owners, unable to reap the benefit of the awards, have come up with the above writ petitions.

8. Technically the learned Principal District and Sessions Judge, Khammam may be right in entertaining a doubt whether disbursement could be made on the basis of Lok Adalat awards that do not contain the signatures of all the claimants. But none of the parties, who are aggrieved by the awards of the Lok Adalat, have so far come to the Court either challenging the Lok Adalat awards or seeking payment by ignoring the Lok Adalat awards.

9. The litigation on hand is very peculiar in the sense that at the instance of the High Court Legal Services Committee, a huge survey was conducted involving the officials in the revenue department, for finding out the persons in possession and enjoyment of individual extents of land, at the appropriate time when possession was taken. After the completion of this survey Gram Sabhas were conducted and final determination of the persons and the extents of land in their possession were found out. It is only thereafter, that the matter went before the Lok Adalats organized by the District Legal Services Authority.

10. In such circumstances, the awards passed by the Lok Adalats, have to be treated as a settlement reached in a class action suit. In a class action suit, all parties may not participate directly in the proceedings. In cases of this nature, the Lok Adalat awards are to be treated as those passed in proceedings similar to an action initiated under Order I Rule 8 of C.P.C. The attempt made by the Lok Adalat should be seen as a compromise reached in a class action, whose foundations are upon public policy.

11. Therefore, so long as no rival claimant has come up with any challenge to the Lok Adalat award, the Lok Adalat awards are binding. It is fundamental that even a decree, unless set aside, is binding and executable. Today the executability of the Lok Adalat award, in the absence of a challenge, cannot be doubted. Therefore, the petitioners are entitled to have compensation amount disbursed to them as per the Lok Adalat award.

12. In the course of hearing of the above writ petitions, the learned counsel on both sides furnished a tabulation containing particulars about the Lok Adalat case number, Survey Number and extent of land covered by the said Lok Adalat award and the amount payable as per the award. The table is reproduced as follows:

Lok Adalat Case No.	LAOP. No	Extent of land in acres	Survey No. village	Amount in Rs.	Interest per annum
372 of 2016	619 of 2014	Ac.2.02 gts	1,2,3, 32,136 Kommepally	27,26,292/-	18%
373 of 2016	619 of 2014	Ac.3.13 gts	1, 19, 24 Kommepally	39,01,546/-	18%
378 of 2016	619 of 2014	Ac.1.20 gts	8, 3, 25 Kommepally	17,37,834/-	18%
379 of 2014	619 of 2014	Ac.0.38 gts	8, 32 Kommepally	11,01,359/-	18%
382 of 2016	619 of 2014	Ac.1.17 gts	8, 9, 48 Kommepally	16,44,570/-	18%
383 of 2016	619 of 2014	Ac.0.28 gts	9 Kommepally	8,02,406/-	18%
385 of 2016	619 of 2014	Ac.3.21 gts	18 Kommepally	41,77,266/-	18%
388 of 2016	619 of 2014	Ac.1.00 gts	28 Kommepally	11,46,295/-	18%
391 of 2016	619 of 2014	Ac.0.22 gts	32 Kommepally	6,33,462/-	18%
395 of 2016	619 of 2014	Ac.1.06 gts	28 Kommepally	13,18,539/-	18%
396 of 2016	619 of 2014	Ac.1.16 gts	32 Kommepally	16,74,094/-	18%
390 of 2016	619 of 2014	Ac.2.03 gts	22, 23 Kommepally	23,79,762/-	18%
487 of 2016	619 of 2014	Ac.0.36 gts	49 Kommepally	10,31,665/-	18%

488 & 687 of 2016	619 of 2014	Ac.1.36 gts	4, 59 Kommepally	21,43,265/-	18%
397 of 2016	619 of 2014	Ac.3.07 gts	18 Kommepally	38,81,670/-	18%
415 of 2016	619 of 2014	Ac.2.07 gts	1,2,19,20,21,24,25 Kommepally	28,99,699/-	18%
460 of 2016	619 of 2014	Ac.3.02 gts	44 Kommepally	42,98,704/-	18%
436 of 2016	619 of 2014	Ac.1.02½ gts	38 Kommepally	22,56,338/-	18%

13. It is confirmed by the learned Standing Counsel for the respondents 6 and 7 that the District Judge has got an amount of Rs.51,25,54,831/- in fixed deposit to the credit of LAOP No.619 of 2014.

14. Therefore, the writ petitions are allowed directing the District Judge, Khammam to disburse the amounts together with interest accrued if any, as per the award, upon proper identification of the parties concerned. The disbursement shall be made on or before 30th June, 2018 and a report shall be filed on the administrative side of the Court. There shall be no order as to costs.

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

V. RAMASUBRAMANIAN, J.

J. UMA DEVI, J.

30th April, 2018
Kr/Js.

Note: C.C of the order
Be furnished in one week.