

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29060 of 2008

ORDER:

The only grievance of the petitioner-Andhra Pradesh Warehousing Corporation, Nampally, Hyderabad is that respondent No.2- Municipal Corporation, Kurnool has not paid the compensation for the acquisition of its land admeasuring 2952.4 square yards in Survey No.315 situated at Kallur Village, Kurnool Site-II in the process of laying a road. Hence, he seeks a writ of mandamus.

Respondent No.2 filed a counter-affidavit stating that since the petitioner is a State Organization, no compensation is required to be paid. Thereafter, as per the order of this Court, dated 06.09.2018, respondent No.2 filed an affidavit stating that similar matter was settled out of Court in terms of certain guidelines mentioned therein and therefore, 90 days time may be granted to settle the subject matter of this writ petition amicably.

In the light of the above, the writ petition is disposed of. It is made clear that non-adherence to the statement made by respondent No.2 in the affidavit that the matter would be settled amicably in 90 days, would lead to invoking the provisions of the Contempt of Courts Act.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

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Thereafter, on being pointed out that the petitioner is entitled to the compensation on account of the fact that the Andhra Pradesh State Warehousing Corporation is a joint venture and is an independent corporate entity, which came into existence with the participation of the Central Warehousing Corporation and admittedly being the owner of the property, compensation is to be paid, as otherwise the same would be in violation of Article 300 A of the Constitution of India, respondent

No.2 filed an additional counter-affidavit, paragraph 2 of which reads as under:

“It is humbly submitted that, in a similar case filed by the petitioner in W.P.No.5475 of 2002 (1) the Principal Secretary, cooperative Agricultural Market, A&C Department along with the (2) Principal Secretary of MA & UD Department, and (3) VC&MD, A.P. Warehousing Corporation, Hyderabad, conducted a meeting on 04.02.2008 and settled the matter as follows:

- (1) The Municipal Administration & Urban Development Department shall direct the Kurnool Municipal Corporation to implement the orders of the Municipal Administration Department, dated 29.12.1999 in paying the compensation of the land taken over by them after adjusting the arrears of tax;
- (2) The District Collector will be requested to fix-up the compensation land based on the market rate prevailing on the date of take over;
- (3) In the meanwhile, the Municipal authorities will not take any coercive action for collecting the arrears of tax;
- (4) The area of 906 square yards shall be deleted from assessment of tax from the time when the land was taken over by Municipal Corporation; and
- (5) Both the parties will explore the possibility of non insisting for interest on the amount sud efrom them.

It is humbly submitted that, in accordance with the above guidelines, the similar case was settled out of court by both the petitioners and this respondent.”

He further requested this Court to grant 90 days time to settle the matter amicably.

In the light of the above, by making it clear that non-adherence to the undertaken given in the counter-affidavit that the issue would be settled in 90 days would invoke contempt proceedings against the respondents, the writ petition is disposed of.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

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