

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.32226 of 2016

O R D E R:

In the present writ petition, challenge is to the action on the part of the 3rd respondent/The Special Deputy Collector(LA), Somasila Project, Unit-4, Rajampet, Kadapa District, in not re-determining the compensation on the applications filed by the petitioners herein dt.25.03.1999 under Section 28-A of the Land Acquisition Act, 1894 pursuant to the award passed by the learned Senior Civil Judge, Rajampet in LAOP Nos.1/1996, 3/1996, 110/1990 and 140/1990 dt.23.10.1998.

2. Heard counsel for the petitioners and the Government Pleader for Land Acquisition appearing for the respondents.

3. A counter affidavit deposited by the Special Deputy Collector (Land Acquisition), Somasila Project, Unit-IV, Rajampet, Kadapa District is filed and paragraphs 6 to 9 of the said counter affidavit, read as under:

6. It is submitted that Learned Senior Civil Judge, Rajampet has delivered Decree and judgment in LAOP No.347/1989 and batch cases dated 23.10.1998 and the petitioners have applied for the certified copies in LAOP No.347/1989 and the certified copies were made ready on 20.03.1999 and copy delivered on 21.03.1999. Basing on the said orders the petitioner's advocate has filed applications U/s 28-A of L.A Act on 25.03.1999 before the then Land Acquisition Officer.

7. It is submitted that, Aggrieved with the said orders of the Senior Civil Judge, Rajampet in LAOP No.347/1989 and batch cases an appeal was preferred before the Hon'ble High Court of A.P., Hyderabad. Since appeals were filed, no action was taken on petitioner's application U/s 28-A of L.A Act. The then LAO has filed Appeals before the Hon'ble High Court of A.P., Hyderabad. Further the then LAO has filed a Memo to withdraw the Appeal against the claimants. Thereupon, the Hon'ble High Court has delivered the judgment to settle the matter through Lok Adalat vide

G.O.Rt.No.101, Dated: 20.02.2006 which was issued by the Govt. and the Appeal was accordingly dismissed.

8. In reply to the averments made in Para's 6 & 7 of the petitioner's affidavit, it is humbly submitted that, after dismissal of the appeal the LAOP cases are settled before the Mega Lok Adalat conducted by the Hon'ble High Court held at Kadapa and the Decretal charges amount was deposited in the Senior Civil Judge Court, Rajampet during the years 2006 & 2014.

9. It is further submitted that, due to pendency of appeals before the Hon'ble High Court the action could not be taken on the 28-A applications. The Decretal charges amount was deposited in the Lower Court during the year 2014. After verification of the genuine and eligibility of the applications appropriate action will be taken on the 28-A Applications."

4. Having regard to the above averments in the counter affidavit filed by the 3rd respondent and taking into consideration the submissions of the counsel for the petitioners and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition, with a direction to the 3rd respondent to verify the application dt.25.03.1999, submitted by the petitioners herein under Section 28-A of the Land Acquisition Act, 1894 and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

5. Writ Petition is accordingly disposed of. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

30th July, 2018.
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