

THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Petition No.18425 of 2007

Order:

The petitioners five (5) in number, filed this Writ Petition to issue a writ of mandamus directing the respondents to deposit interest on solatium and interest on additional market value under Section 23(1)A of the Land Acquisition Act and also further amounts, if any, payable to the petitioners in L.A.O.P. No. 890 of 1999 on the file of the District Judge, Kadapa as per the decree and judgment of this Court in A.S. No. 113 of 2006 dated 18.4.2006.

The case of the petitioners is that the respondent-Government had acquired their lands along with structures for the purpose of construction of Somasila Project pursuant to a notification issued under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the "Land Acquisition Act") on 11.2.1994. After due enquiry, Award No.1 of 1994-95 was passed on 3.6.1994 awarding compensation by estimating the value of lands/structures. The petitioners received the compensation under protest and sought the matter to be referred to the Civil Court under Section 18 of the Act. The matter on being referred to was taken as LAOP No. 890 of 1999 on the file of the Principal District Judge, Kadapa. The Reference Court through its judgment dated 25.2.2002 while holding that the market value fixed by the Land Acquisition Officer for the structures was improper and incorrect, enhanced the value of the structures by 100% over and above the market value fixed by the Land Acquisition Officer. Questioning the enhancement of the compensation, the respondents filed A.S. No.113 of 2006 before this Court and a Division Bench of this Court, through judgment dated 18.4.2006 reduced the enhanced market value fixed by the Court below towards structures from 100% to 80%. When the respondents failed to pay the enhanced amount

of compensation as per the judgment of this Court in A.S. No. 113 of 2006 dated 18.4.2006, the petitioners filed the present Writ Petition.

Now, at the time of hearing, learned Assistant Government Pleader for Land Acquisition (AP), on instructions, from the Special Deputy Collector(LA), TGP Unit-II, Kadapa, vide reference No. A/69/2017 dated 27.12.2017, submits that pursuant to the judgment in A.S. No. 113 of 2006 passed by this Court on 18.4.2006, the respondents have deposited an amount of Rs. 2,29,95,448/- inclusive of an amount of Rs.11,66,012/- towards income tax with the District Court to the credit of LAOP No. 890 of 1999. However, some of the claimants instead of taking the said amount, have filed W.P. No. 8113 of 2007 before this Court seeking interest on solatium and additional market value. Subsequently, when the petitioners also filed the present writ petition seeking a direction to the respondents to deposit the interest on solatium and interest on additional market value under Section 23(1)A of the Land Acquisition Act, this Court passed an interim order on 27.9.2007 directing the respondents to pay the amount already deposited to the credit of OP No. 890 of 1999 to the petitioners-claimants without insisting for filing any claim petition. Thereafter, through a common order dated 22.11.2007, this Court disposed of similar Writ Petitions, W.P. Nos. 7939 of 2007 and batch, directing the respondents to deposit the interest payable on the additional market value as well as solatium within a period of two months, failing which the petitioners were entitled to file Execution Petitions seeking execution of that part of the decree passed by this Court in the appeals. However, with reference to the amount already deposited, the Court below was directed to disburse the same without insisting for filing any full satisfaction memos. Learned Assistant Government Pleader further states that the respondents have deposited another sum of Rs. 25,88,932/- through cheque No. 901884, dated 13.3.2012 inclusive of the amount of income tax to the credit of the District Court in LAOP No. 890 of 1999.

The said amount also covered the amount payable to the petitioners under the aforesaid LAOP.

In view of the submission of the learned Assistant Government Pleader for Land Acquisition and in view of the fact that the compensation amount has been deposited to the credit of the LAOP No. 890 of 1999 on the file of the District Court, Kadapa, no further orders are necessary in this writ petition.

The Writ Petition is, accordingly, closed. Pending miscellaneous applications shall stand closed. There shall be no order as to costs.

15th February, 2018

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(M. GANGA RAO, J)

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Date: 15.2.2018

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