

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21557 of 2007

ORDER:

This writ petition is filed for issue of a writ of mandamus, directing the respondents to pay compensation in respect of petitioner's acquired land, admeasuring 0.22 gts in Sy.Nos.34 & 35 of Bodaladinne village, Naredcherla Mandal, Nalgonda District by duly considering her application filed under Section 28-A of the Land Acquisition Act (for short "the Act") by duly determining the compensation on par with the judgment dated 17.01.2001 passed in O.P.No.39/2001 on the file of the Senior Civil Judge, Miryalaguda, together with interest by declaring the action of the respondents in not considering the application of the petitioner under Section 28-A of the Act and her representation dated 16.08.2007 as arbitrary, illegal and contrary to the provisions of Section 28-A of the Act.

Heard Sri L.Prabhakar Reddy, learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

It has been contended by the learned counsel for the petitioner that the land of the petitioner was acquired by invoking the land acquisition proceedings and a meager amount of compensation was paid when compared to other similar individuals, whose lands were acquired and compensation paid. Therefore, the petitioner filed an application under Section 28-A of the Act for re-determination of the amount of compensation on the basis of the award passed in O.P.No.39/2001, dated 17.01.2001. But her application was not considered and hence the petitioner filed the present writ petition.

This court vide orders dated 02.04.2009, in WPMP No.27969/2007, granted interim direction, directing the respondents to consider the

application of the petitioner dated 28.03.2001 made under Section 28-A of the Act for re-determination of the compensation along with other claimants pending disposal of the writ petition.

The respondents have re-determined the compensation payable to the petitioner in terms of the said interlocutory orders and passed a draft award on 03.09.2011. However, the amount as determined by the draft award had not yet been disbursed to the petitioner.

The learned Government Pleader for Land Acquisition has contended that the respondents have also calculated the interest as on today and if an appropriate direction is given to the Government to disburse the amount, in terms of the award, the respondents would disburse the said amount to the petitioner.

I have considered the rival submissions made by both the parties and this court is of the view that this writ petition can be disposed of with a direction to the respondents with regard to payment of compensation amount to the petitioner as determined.

Accordingly, the Writ Petition is disposed of, directing the respondents to pay the compensation amount as determined in pursuance to the draft award, dated 03.09.2011, along with interest accrued thereon, within a period of 8 (eight) weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 21.03.2018
Dsr