

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14157 of 2008

ORDER:

Petitioner-Sri Veerabhadra Swamy Temple states that it owns an extent of Acs.6.62 cents of land in Survey Nos.25/B and 26/B of Pandipadu Village, Kalluru Mandal, Kurnool District; that the said land was acquired by the Government for establishing PSCC Poles Center by the Electricity Department and possession was delivered to it on 24.06.1985 and that since the Electricity Department did not pay the compensation, he filed W.P.No.1385 of 2001 before this Court and the same was disposed of on 10.07.2002 directing the authorities of the Electricity Board to pay compensation to the petitioner and pursuant to the said order, the Electricity Board deposited a sum of Rs.23,17,000/- with respondent No.2-Revenue Divisional Officer, Kurnool. Now, the grievance of the petitioner is that respondent No.2 is not releasing the said amount. Hence, it filed this writ petition seeking a writ of mandamus.

The respondents have not filed any counter-affidavit denying the allegations mentioned in the writ affidavit. However, learned Government Pleader for Land Acquisition placed before this Court the proceedings, dated 30.09.2018 issued by respondent No.2, who stated therein that respondent No.1-District Collector, Kurnool, convened a meeting on 29.09.2018 with the officials of the Endowments Department and the TRANSCO and the Executive Officer of the petitioner and in the said meeting, the

Joint Collector informed that a sum of Rs.23,17,000/- would be paid to the petitioner within a month.

In the light of the above, there is no dispute with regard to the entitlement of the petitioner to receive a sum of Rs.23,17,000/- towards compensation for acquisition of its land. It may be noted that the said amount could have been paid before taking possession. Admittedly, the possession of the land was taken on 24.06.1985. In those circumstances, the petitioner would be entitled to interest, to be paid notionally from 24.06.1985 @ 9% for the first year and thereafter, 15% per annum in terms of Section 28 of the Land Acquisition Act, 1894 (for short 'the Act').

Hence, the writ petition is allowed directing the respondents to pay a sum of Rs.23,17,000/- to the petitioner with interest notionally from 24.06.1985 @ 9% for the first year and thereafter, 15 % per annum in terms of Section 28 of the Act, within a period of 12 weeks from the date of receipt of a copy of this order. If the amount is not deposited within the time stipulated above, the matter would be viewed seriously, as the petitioner was deprived of the subject property long back, and as there is violation of its rights under Article 300-A of the Constitution of India.

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

CHALLA KODANDA RAM, J

Dt: 03.10.2018
kdl