

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.32031 of 2016

ORDER:

In the present writ petition, challenge is to the action on the part of the third 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 dated 05.04.1999 under Section 28-A of the Land Acquisition Act pursuant to the award passed by the learned Senior Civil Judge, Rajampet in LAOP No.130/1990 and 96/1990, dated 23.10.1998.

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

3. A counter affidavit deposed by the Special Deputy Collector (Land Acquisition), Somasila Project, Unit-IV, Rajampeta, Y.S.R.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 Government. 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 2006-07.

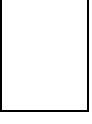
9. It is further submitted that, due to pendency of appeals before the Hon'ble High Court the action could not be taken on the 28-A applications. The Decretal charges amount was deposited in the Lower Court during the year 2014. After verification of the genuine and eligibility of the applications appropriate action will be taken on the 28-A Applications. Soon after completion of all enquiries for their genuine and eligibility of applications and appropriate orders will be passed on the 28-A application pertaining to the writ petitioners."

4. Having regard to the above averments in the counter affidavit filed by the third respondent and taking into consideration the submissions of the learned 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 third respondent to verify the application dated 05.04.1999, submitted by the petitioners herein under Section 28-A of the Land Acquisition Act 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. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 29.03.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.32031 of 2016

Dated: 29.03.2018

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