

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

Writ Petition No.40703 of 2018

Date: 15.11.2018

Between:

Bheemala Thirupathaiah,
S/o Rajaratnam

... Petitioner

And:

The State of Telangana
rep. by its Prl. Secretary
Revenue Dept. (Land Acquisition),
Hyderabad and 6 others

... Respondents

Counsel for the Petitioner: Mr. Kilaru Nithin Krishna

Counsel for respondent Nos.1 to 4: GP for Land Acquisition (TS)

Counsel for respondent No.5: Mr. J.Srinivasa Rao,

SC for Singareni Collieries Co. Ltd.

Counsel for respondent No.7: Mr. J.Anil Kumar,

SC for State Legal Services Authority

The Court made the following:

Order: *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed for the following substantive relief:

"... to issue a Writ Order or Direction more particularly one in the nature of Writ of *Mandamus* declaring the action of the respondents in not disbursing the requisite compensation amount, i.e., a cheque for an amount of Rs.11,46,295/- (Rupees Eleven Lakhs Forty Six Thousand Two Hundred and Ninety Five only) and also accrued interest pursuant to Award passed by the Lok Adalath Bench at Khammam i.e., in Lok Adalath Case No.517 of 2016 in LAOP.No.619 of 2014 on the file of the Honorable District Judges Court, Khammam, dated 07.4.2016 for land to a total extent of Ac.1.00 guntas of land in Survey No.59 of Kommepally Village, Sathupalli Mandal, Khammam District, acquired by Singareni Collieries as illegal arbitrary in violation of Articles-14 and 21 of the Constitution of India, Land Acquisition Act 1894 and consequently, to direct the respondents disburse the above mentioned compensation with applicable interest immediately forthwith or to consider passing fresh Awards under the Right to fair Compensation and Transparency in Land Acquisition rehabilitation and resettlement Act, 2013 as ordered by this Honorable Court in Writ Petition No.13976 of 2018 and batch passed on 30.04.2018 and Writ Petition No.19062 of 2018 order passed on 14.06.2018 in the interest of justice."

Mr. Kilaru Nithin Krishna, learned counsel for the petitioner, has invited our attention to the Division Bench Judgment of this Court, dated 30.04.2018, in Writ Petition No.13976 of 2018 and batch and submitted that the issues raised in this Writ Petition are squarely covered by the said Judgment.

Mr. J.Anil Kumar, learned Standing Counsel for the State Legal Services Authority, submitted that in Writ Petition No.21315 of 2017, this Court has ordered *status quo* with respect to

disbursement of the compensation in pursuance of Lok Adalat Award, dated 26.07.2016, in LAOP.No.619 of 2014.

The learned Counsel for the petitioner submitted that though the LAOP in which the Lok Adalat has passed awards is common, separate awards were passed with reference to individual claims and that the awards in respect of which WP.No.21315 of 2017 was filed do not include Award No.517 of 2016, which is the subject matter of this Writ Petition.

On verification of the aforementioned interim order, the learned Standing Counsel for the State Legal Services Authority has fairly agreed with the submission of the learned Counsel for the petitioner. He has also fairly conceded that the aforementioned Division Bench Judgment, dated 30.04.2018, in WP.No.13976 of 2018 and batch covers this case as well.

In the light of the above, this Writ Petition is allowed as prayed for.

As a sequel to disposal of the Writ Petition, IA.No.1 of 2018 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.AMARNATH GOUD

15th November, 2018
dr