

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRASFER C.M.P. No.694 OF 2017

ORDER:

Heard Sri Raja Reddy Koneti, learned counsel for the revision petitioners - claimant Nos.4 and 5.

2. Respondent Nos.1 and 4 are served. Respondent No.3 not claimed, therefore, deemed to have been served.

3. Respondent No.2, according to the learned counsel for the revision petitioners, avoiding service and even the report shows that he left. However, the address given herein is the same address as mentioned in the O.P.

4. The learned counsel for the revision petitioners would submit that though, the issue is covered by two awards, relates to one and the same property, when referred to under Section 30 of the Land Acquisition Act, 1894, since there was title dispute, somehow, the references were before two different Courts i.e., i.e., (1) V Additional District Judge, Medak District at Sangareddy, and (2) I Additional District Judge, Medak at Sangareddy, and, therefore, it would be desirable to take up both the cases by one and the same Court to avoid conflict of decisions and the conclusion being arrived at thereon. Though, respondent No.3 is not served, the present transfer civil miscellaneous petition can be taken up for disposal.

5. When the property under acquisition is one and the same and in regard to the claim for compensation, there is dispute between respondent Nos.1 to 3 on one hand and respondent Nos.4 and 5 on the other, it is desirable to withdraw O.P. No.691 of 2008 pending on the file of V Additional District Judge, Medak District at Sanga Reddy, and transfer it to the learned I Additional District Judge, Medak District at Sanga Reddy, to try with O.P. No.118 of 2011, and, accordingly withdrawn the same and transferred.

7. With the above direction, the Transfer Civil Miscellaneous Petition is allowed, further directing the learned I Additional District Judge, Medak District at Sanga Reddy, that on receipt of case record in O.P. No.691 of 2008, to resort to service of notice on both parties and to dispose of the same in accordance with law with O.P. No.118 of 2011. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present transfer civil miscellaneous petition stand closed.

April 17, 2018.

PV

A. SHANKAR NARAYANA, J