

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P No. 6212 of 2017

ORDER :

This Civil Revision Petition is filed against order dated 13.09.2017 in E.A (SR) No.776 of 2017 in E.P.No.76 of 2016 in LAOP No.1 of 1992 wherein the Court below rejected the application filed by the petitioner to implead it as one of the judgment debtors in the Execution Petition.

The Land Acquisition Officer-cum-Revenue Divisional Officer, Kovvur had acquired Acs.39.75 cents of land in Sy.Nos.354/2, 354/3, 354/4, 356, 357, 632/5 and 635 duly following the procedure under land Acquisition Act, 1894 vide its Award No.2/1987, dated 25.11.1987 fixing the compensation of Rs.16,000/- per acre. When the reference was made to the Court under Section 18 of the Act by the claimants/D.Hrs, the Senior Civil Judge's Court passed orders in LAOP No.1 of 1992 enhancing the value of compensation to Rs.20,000/- per acre. Subsequently, the claimants/D.Hrs filed AS No.54 of 2002 before this Court in respect of Acs.29.69 cents out Ac.39.75 cents of land, the same was allowed on 30.08.2013 enhancing the market value of the lands in Sy.Nos.354/2, 354/3, 354/4, 632/5 in all Acs.19.92 cents, while enhancing the compensation from Rs.20,000/- to Rs.25,000/- but confirmed the market value

fixed by the Lower Court in respect of lands in Sy.Nos.356 and 357 in respect of Acs.9.77 cents. When the claimants filed Rev.ASMP No.336/2014 in AS No.54/2002, this Court confined the market value of the land in Sy.Nos.356 and 357, to be as per its order dated 30.08.2014. That after acquiring the subject land, as per the policy of the Andhra Pradesh Government, the then Director, Distilleries and Beverages, A.P, handed over the Government Distillery, Chagallu to the petitioner with effect from 01.10.1987, and it managed till 2001, till it was privatized. Since the subject land was allotted to the petitioner by the Government, the petitioner intends to pay the compensation to the claimants/Decree Holders as per the Award in LAOP No.1 of 1992, by impleading in the EP filed by the claimants/D.Hrs.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Learned counsel for the petitioner submits that let calculation memo filed by the petitioner/Nizam Sugars Limited as well as claimants/respondents before the Executing Court, can be taken into account while disposing of the Execution Petition.

Learned counsel for the respondents initially opposed the Revision Petition but finally states that he has no objection for considering the calculation memo of revision

petitioner and that the respondents/claimants are interested in getting the compensation and not fighting the litigation.

In view of the same, without expressing any opinion on the merits of the case, the impugned order is set aside and EA is allowed and the Court below is directed to dispose of the EP, after considering the objections along with calculation memos filed by the petitioner herein, claimants/respondents and Land Acquisition Officer for arriving at correct compensation awarded to claimants, as per judgment in LAOP No.1 of 1992, within a period of two months from the date of receipt of a copy of this order.

Since learned counsel for the petitioner submits that they are ready to pay admitted amount of Rs.9,43,000/- (Rupees nine lakhs forty three thousands only) they are permitted to deposit the said amount before the Court below and that on such deposit the respondents/claimants are permitted to withdraw the same, which will be subject to further orders to be passed by the Court below in the EP.

Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A.RAJASHEKER REDDY, J

25.01.2018

Note: Issue CC in three days.

B/o.kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



Date: 25-01-2018

kvs

